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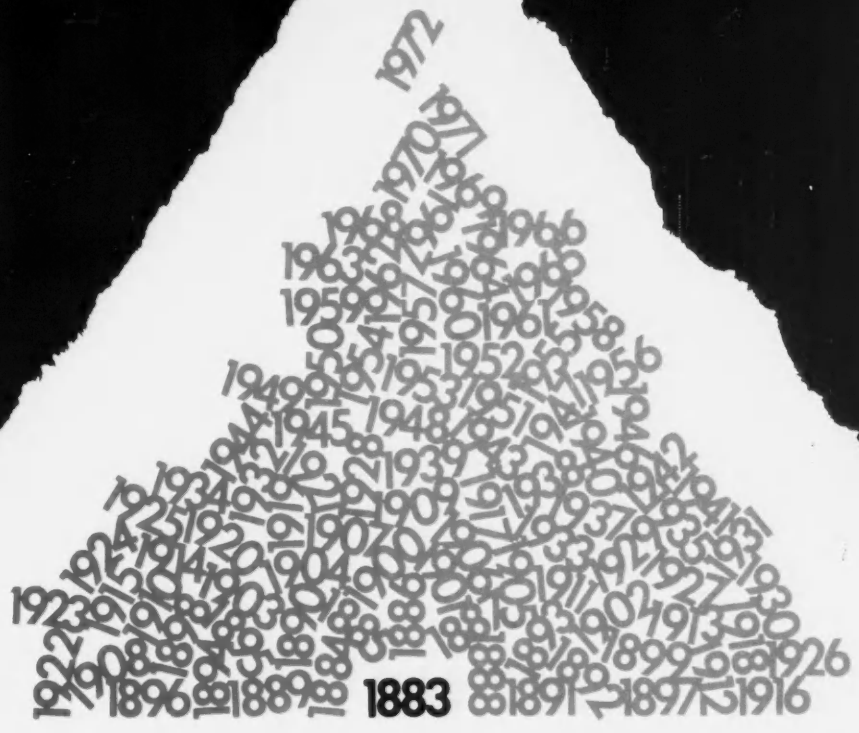
90TH ANNIVERSARY OF THE U.S. CIVIL SERVICE COMMISSION

MERIT PRINCIPLES ASSURE ABILITY AND **1973** EQUAL OPPORTUNITY IN PUBLIC EMPLOYMENT



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WORTH NOTING

☐ NINETIETH ANNIVERSARY ceremonies commemorating the signing of the Civil Service Act were held in the State Department Auditorium January 16, 1973. The ceremonies opened with a message from President Nixon from which the following is excerpted:

"It is with pride in the quality of our Nation's civil servants that we celebrate the signing of that measure which brought sweeping reform in the civil service and has shaped the character of public service in America as nothing else has, before or since.

"The Civil Service Act made individual ability the basis for civil service employment, helping to assure competence and equal opportunity throughout the Federal establishment.

"A new and equally demanding challenge now faces us: to renew and revitalize our entire system of government. Judging from the distinguished record of our civil service employees over the past ninety years, I am confident that our career managers and other civil service personnel are more than equal to the task."

☐ MINORITY GAINS in total jobs filled and in the number of better paying jobs are shown in recently published results of a survey conducted May 31, 1972.

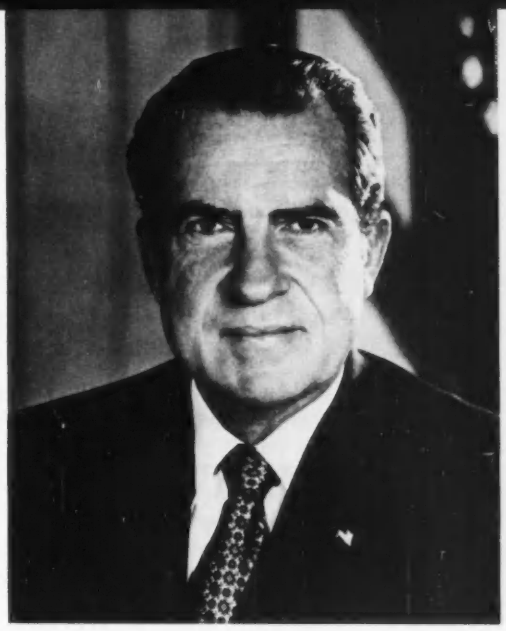
Survey results show that minority employees held 505,468 jobs and comprised 19.6 percent of the work force. An increase of 11,598 minority men and women in white-collar jobs more than offset net decreases of 5,700 minorities in postal and 4,500 in blue-collar jobs.

In GS–16 through 18 jobs, minority employment increased from 148 to 194 positions; in GS–14 and 15, from 2,926 to 3,469; in GS–12 and 13, from 11,163 to 12,347; in GS–9 through 11, from 27,240 to 29,383; in GS–5 through 8, from 70,605 to 75,402; and in GS–1 through 4, from 82,456 to 85,341.

The percentage of Spanish-speaking Americans reached 3 percent of the total work force for the first time.

☐ A TEMPORARY FREEZE on all new civilian hirings and on all civilian

(Continued—See Inside Back Cover)



Message to Federal Career Managers

President Nixon Calls For "Best In Each Of Us"

As we seek to renew and revitalize our system of government over the next four years, I am counting on the full support and active assistance of Federal career managers throughout the Nation.

The Federal career service, founded on merit principles, had its beginnings 90 years ago with the passage of the Civil Service Act of 1883. Through the years, the distinguished men and women who have served as Federal civil servants have met many challenges and contributed in countless ways to our Nation's progress.

As the merit system approaches its centennial and the Nation nears its bicentennial, the career service will face its greatest challenges—and find its greatest opportunities—in helping to improve the effectiveness of public service through the new directions to which this Administration is committed.

The course I have charted for renewal of our Federal system calls for the best that is in each of us in the public service. I know that you would not settle for less.

Richard Nixon

What is our role?

The Basic Question

by ROBERT E. HAMPTON
Chairman, U.S. Civil Service Commission

IT IS THE PRIVILEGE of an agency head—and his responsibility—to ask questions. As Chairman of the Civil Service Commission I have made it a habit to ask a great many questions about the operations of this agency and of the Government-wide personnel system—and this continuing examination has resulted in a number of sound new approaches to Commission programs.

But there is a question far more basic than those I have been asking publicly or in the semi-privacy of Commission meetings, although I have asked it of myself repeatedly.

That basic question is: What is the role of the Civil Service Commission in these fast-changing times?

It might be rephrased in a number of permutations: Why do we exist? What is our identity? What is our purpose? Whom do we represent?

Answers to these related questions are frequently gratuitously given by those with specialized interests, and they differ quite widely, depending on who supplies them. The basic question is open to many different interpretations, even to controversy, and it needs an honest answer because it is the one question on which nearly all the others depend.

The Civil Service Commission is viewed by many as the protector of employees against venal managers. Others consider us an arm of management, helping managers to disguise such venality as may be theirs. Still others put us on the psychiatrist's couch and find a basic schizophrenia, perceiving that we try to be the fox and the sheep at the same time.

I do not subscribe to any of these extreme views, but I feel very strongly that the 90th anniversary of the Civil Service Act is an excellent time to ask the question in public and supply an answer.

This is not to imply that for nearly a century the Commission has vainly been searching for its identity. On the contrary, its role was perfectly understood at the beginning, and this basic understanding persists within the Commission to the present day. But there have been many accretions of authority and function, a great body of decisions made and actions taken, and there have been innumerable comments, judgments, and opinions expressed by outsiders which have tended to blur that basic understanding. It is time for the fog to clear.

I draw my conclusions in this matter from source documents as basic as the question itself: the Constitution of the United States and the Civil Service Act of 1883.

Arm of the President

Fundamentally, the Civil Service Commission was created as an arm of the Presidency. The President of the United States is responsible for the civil service rules, issuing them on the recommendation of the Civil Service Commission.

Read the language of the Civil Service Act:

"Be it enacted . . . That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners . . .

"Sec. 2. That it shall be the duty of said commissioners:

"First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect . . ." (Sec. 2, 1st par.)

"Said Commission shall, subject to the rules that may be made by the President, make regulations for . . . examinations." (Sec. 2, 3d par.)

Within statutory requirements, the President defines the coverage of the civil service, decides (for example) in what manner equal employment opportunity is to be emphasized, and how labor-management negotiations are to be handled within the Federal service. He delegates some of his authority in these various areas to the Civil Service Commission—but it is still his authority.

An understanding of this concept is fundamental to an understanding of how the Commission operates to improve the management of Government through sound personnel practices.

Whose Side Do We Favor?

To say that this puts us on the side of management—if by management is meant first or second line, or even top executives—is a misinterpretation of the basic authority. We are on the side of the President. Or if you prefer, the Presidency.

We are working to assist him—*any* President (parti-

san matters are quite immaterial here)—to perform his function as head of the executive branch. What is his function? For an authoritative answer, turn to the Constitution.

"The executive power shall be vested in a president of the United States of America." (Article II, Sec. 1.)

". . . he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States." (Art. II, Sec. 3.)

"He shall take care that the laws be faithfully executed." The President has always needed help to follow this constitutional directive, and I am not here talking about the vague and generalized "help" of friendly citizens. I am talking about paid, professional assistance on the part of competent people who perform their assigned tasks effectively and efficiently. In short, people selected and advanced according to their ability.

We assist the President in his *executive* capacity, which is above and more general than what we ordinarily conceive as management. Although proper administration includes the maintenance of sound labor relations, the President of the United States, as the chief executive, is the President of employees (who may be union members) and of managers alike.

As an arm of the Presidency, it is not the role of the Civil Service Commission to favor either employees or supervisors. We do not "stack the deck" in favor of employees, nor do we scheme against their interests.

We must not lean in either direction. To suggest that we ought to is a perversion of the concept that the Commission is an arm of the Presidency. There is no basis in law for such a practice.

Since the origin of the Commission in an 1883 law which spoke chiefly to the initial hiring of employees on a competitive basis and their retention without political interference, the President has seen fit to broaden our role in a number of respects, and the Congress has assigned us a galaxy of duties. Thus a program of hiring and retention on a basis of merit, with actions premised on the good of the Government service, has evolved into a complete personnel system, as modern as we can make it, with very considerable efforts directed at achieving fairness to all parties.

"Other duties as assigned" is not just a semi-humorous catchall phrase supposedly used in position descriptions to allow for all contingencies. It is also a description of the Commission's sundry functions. And many of the functions assigned by Executive order or by statute have seemingly put us in the position of being primarily a champion of employee rights.

An example is the Veterans' Preference Act of 1944, which put the Commission in the business of deciding veterans' appeals from adverse agency actions. Executive orders have since greatly increased the scope of this function.

I believe it is such assignments as these which may have led to the widespread belief that the Commission was originally created to protect employees from the agencies, and that this function has continued from the beginning, unchanged.

As a matter of fact, the Commission actually does fill the role in this limited connection which is imputed to it on a larger scale. In carrying out this function we are indeed a champion of employee rights in this area, and we do in fact protect employees from the agencies when in our best judgment the agency actions are wrong, capricious, or careless. We make every effort to be balanced and fair in these judgments, and I believe we succeed. This assures justice for the employees and at the same time improves managers by requiring them to correct their mistakes.

On the other hand, we have assignments which put us in the position of advising and counseling management. Under Executive Order 11491, for example, we provide expert assistance to Federal agencies, guiding and advising them in their conduct of labor relations. We are not authorized to fulfill any similar role for employees, this function being handled with no lack of talent by employee unions.

Presidential Executive Role

The President has a number of different roles in which we do not participate. The President serves as the leader of his political party. He also serves as chief spokesman for the Nation in dealing with other nations. And he serves as Commander-in-Chief of the Armed Forces.

The Civil Service Commission role is restricted to the President's function as the Nation's chief executive.

We might well ask ourselves—and during the past

4 years we have been doing this—how we can best serve the President and the Nation in this role.

We can do so by operating and directing a system of personnel management which is *effective* in helping the government do its work. We can take pains to see that the system does not become hypnotized with a fixation on traditional methods. It must remain sensitive to changing conditions, and must adjust to them with great flexibility. It would be foolish to claim that we have accomplished this with total success. But I believe we have come much closer to doing so than many of our critics recognize.

The Passing of Unilateralism

Up to this point I have discussed the role of the Commission in its most basic sense—as it is defined by law and by Executive order. This role is not static, but is evolutionary in nature. There are many new influences and forces which will have impact upon it, and will further change this evolving role of the Commission in the years to come. I would like to discuss one of the most important of these new influences, which has to do with the way in which personnel decisions are made and carried out.

The increase in unionism in government employment, and the extent to which collective bargaining has replaced unilateral action as a means of making personnel decisions, reflect both impact and evolution. Complete unilateral action on the part of government managers is rapidly becoming a thing of the past. On the other hand, there is no legal way in which unions can carry on full bilateral negotiations on such matters as pay scales, for example, since such "bread and butter" issues are settled by statute.

Managers are still managers—they remain the decisionmakers. But we can no longer think of managers as making *all* important personnel decisions on their own. Bilateralism is the order of the day.

Union impact causes public executives and their personnel staffs to devote a great deal more time to personnel matters. I do not doubt that many managers are now giving more careful thought to such processes as how promotions are made, how grievances are handled, and how comparability and hourly-rate questions are settled. This is a healthy development, for careful thought in making these decisions is a necessity, and any expansion of the brainpower expended should bring increasingly better results—and results more conducive to better government.

Certain issues, as noted, are non-negotiable under present law. Yet a great many matters involving conditions of employment and the worksite are not controlled by law, and are reasonable subjects for negotiation. As part of its growing ability to anticipate future developments and prepare for them, the Civil Service Commission has been engaged for the past year in an intensive study of its own regulations to eliminate unnecessary rigidities, and to open up as many areas as possible where negotiations may take place.

We see this not only as a demonstration of necessary and desirable flexibility, but also as evidence that the civil service system is capable of anticipating developments in the personnel management field, and preparing to meet them.

Again, I want to be clearly understood as to whose interest we represent. I believe we best serve the President in his role as chief executive by looking honestly at labor relations in the Federal Government, and supporting methods which will be fair in all respects to management, to labor, and to the interests of a third party too often overlooked—the public.

Assessing and Meeting the Future

How best can we serve the President and the public as we look to developing challenges of the future and seek to prepare for them?

One consideration is that employee attitudes are changing. It used to be generally assumed that Federal employees remained rather neutral on controversial issues. If they spoke out at all on one side or the other, they carefully divorced such comments from their official duties, and if they grew critical of their superiors they generally kept it to themselves—at least until leaving government.

Now there is the complicating factor of increasing activism on the part of some Federal employees—a small but highly vocal minority—and public criticism

of agency policies by employees has been increasing.

It seems possible that a growing unionism will become a channel for such criticism, and that as employees gain more chance to influence the management decisions which affect their work environment, individual criticisms will tend to be supplanted by institutionalized efforts through unions.

The salaries paid civil service employees are sure to be the subject of debate during the years ahead. It is public policy established by law that Federal pay should be comparable with pay in the private sector for similar work. But the methods by which Government jobs are classified and the ways in which public and private wage scales are compared have come under increasing question by the Commission, as well as by others.

Furthermore, the relationship of salary increases and productivity is an area difficult to define but easy to argue.

In order to meet these problems with a better basis on which to make decisions, the Commission conducts a continuing review of the salary comparability process. Related to this is our current effort in testing a new method of evaluating jobs.

We are participating in a joint project with the General Accounting Office and the Office of Management and Budget, exploring methods of measuring productivity and improving it. This may give us new insights for improving management.

Difficult as it may be to read the future, it seems clear there will be no diminution of the affirmative efforts to further equal employment opportunity, and to do so within merit principles. This effort involves no conflict since the merit system, properly operated, concerns itself only with relative abilities and potential —not race, creed, color, sex, or any other non-merit factor.

Yet we would not pretend that the system is perfectly operated, and we make continuous efforts to improve it. As our best method of supporting the twin goals of effectiveness and of achieving truly equal opportunity in public service, we are actively working to make sure that written tests used for Government employment are demonstrably job-related, and that our other methods of evaluating individuals are completely fair to all.

It seems clear that the future will bring more intergovernmental relationships in the field of personnel administration, and we welcome this development. Under the Intergovernmental Personnel Act, we have an excellent opportunity to support the President's New Federalism goal, returning more governmental decision-making power to the units of government closest to the people.

In all of these evolving activities, I see the role of the Civil Service Commission as that of supporting the chief executive by looking at employees realistically and devising systems which will treat them fairly, encourage them to be more productive, and help them to be more responsive to public needs.

It is in the interest of the Presidency to have an efficient and effective Government. Fair play in dealing with employees is a necessity in achieving both of these objectives. As part of the effort to increase effective fair play, we have had the entire adverse action appeals system of the Government under painstaking review, working in close collaboration with the Administrative Conference of the United States.

Conclusion: Whose Side Are We On?

The Act of 1883 was not passed primarily to aid employees of the Government *or* Federal managers. It was passed in order to give the people better government.

Where civilian personnel are concerned, better, more effective government depends on the observance of merit principles in employment, on the protection of employees from coercion or arbitrary discharge, on fair treatment and suitable motivation, on appropriate training—and, in fact, on all of the elements of a modern personnel system.

The basic responsibility of the Civil Service Commission is to the President—and through him, to the public.

The President does have some very strong convictions regarding the relationship of elected officials to the functioning machinery of government. In talking to newsmen at Camp David on November 27, 1972, he said:

"It has been my conviction for years that elected officials in this country too often become prisoners of what we would call the bureaucracy which they are supposed to run. Rather than running the bureaucracy, the bureaucracy runs them. . . .

"It is, however, simply a statement of fact that it is the responsibility of those who are elected to the highest office in this land to see to it that what they consider to be the directions that the people want them to follow are followed out."

President Nixon has tackled this problem in his second term by putting the emphasis on good managers in his Cabinet selections. I see our task in the Civil Service Commission as one of supporting the President in his efforts to secure better, more effective management throughout the Government.

Thus, as an arm of the Presidency, while the Civil Service Commission has a deep and continuing interest in the well-being of employees, and has strong statutory obligations to management as well, the public interest remains paramount. Basically, the Civil Service Commission sides with good government, responsive to meeting the needs of the public it serves. #

EQUAL OPPORTUNITY

The Merit System and Equal Opportunity Employment

When President Nixon signed into law the Equal Employment Opportunity Act of 1972, the U.S. Civil Service Commission—the Federal Government's central personnel agency—was given a legislative base for seeing that all personnel actions in the Federal Government are free from discrimination, and that Federal personnel management is actively oriented toward equality of opportunity. The Act places Federal employees and agencies for the first time under the equal employment provisions of the Civil Rights Act of 1964, as amended, and places responsibility for enforcement on the Civil Service Commission.

The Act requires, in stated detail, affirmative action on the part of agencies, and monitoring of such action by the Commission. While the total integration of the policy of equal employment opportunity into every aspect of personnel policy and practice in the Federal Government remains an administrative commitment under Executive order, it is now also the law of the land.

In placing the current EEO program direction in proper perspective, it is helpful to review some of the history of Federal efforts to prevent discrimination and promote equal employment opportunity in the Federal service.

The Constitution prohibits religious discrimination against anyone fulfilling a position of public trust. The Civil Service Act of 1883 outlawed politics as an acceptable measure of competence for Federal employment, in effect ending the spoils system. The Hatch Political Activities Act of 1939 prohibited discrimination on account of race, creed, or color against anyone who benefited by congressionally appropriated funds for work relief or relief purposes, establishing the principle that public employment or public funds could not be denied for reasons of race, color, or religion.

The Ramspeck Act and Executive Order 8587, issued by President Franklin D. Roosevelt in 1940, amended Civil Service Rules to prohibit discrimination in Federal employment of workers in defense industries or Government because of race, creed, color, or national origin, and set up a Fair Employment Practice Committee to counteract such discrimination. During the short life of this Committee, the Civil Service Commission became actively involved in a concerted effort to combat discrimination.

As with other steps taken in the Federal civil rights effort, the Committee's efforts got a varied reception—respect by some, but resistance and even rejection by a great many. Not only was the Committee almost completely complaint-oriented, but there was little in the way of enforcement effort. There was significant hostility toward the Committee, and in 1946 it was discontinued through an amendment to an appropriations bill.

In 1948 the Civil Service Commission's role was strengthened when President Truman issued Executive Order 9980, establishing a Fair Employment Board within the Commission. In 1955 President Eisenhower issued Executive Order 10950, which replaced the Fair Employment Board with a President's Committee on Government Employment Policy. The order marked an important shift in emphasis. Going beyond a passive policy of nondiscrimination, the order directed that "*equal opportunity* be afforded all persons, consistent with law, for employment in the Federal Government." The equal employment opportunity program had a name; and the concept of affirmative action, though not yet named, had a foot in the door.

The President's Committee on Government Employment Policy, like its predecessors, was not in the mainstream of governmental operations and was handicapped by a lack of viable authority. It was, however, the first committee of its kind to undertake statistical surveys to measure progress or lack of it. And it made headway in furthering official awareness of the need for programs of equal employment opportunity.

With the peaking of the civil rights movement in the early 1960's, the pace of progress in equal opportunity began to accelerate. President Kennedy's Executive

Order 10925 established the President's Committee on Equal Employment Opportunity, chaired by the Vice President and consisting of the heads of 11 Federal departments and agencies, including the Chairman of the Civil Service Commission. Under the leadership of this Committee, the Federal equal employment opportunity program began to have a major impact on Federal personnel administration.

Agencies received guidance from the Committee in taking the affirmative actions the Executive order required of them. Through the Civil Service Commission, it took an annual census of minority group Federal employment, making possible the monitoring and appraisal of EEO progress. And the Committee reviewed agency actions in response to complaints.

With the passage of the Civil Rights Act of 1964, and the establishment of the Equal Employment Opportunity Commission with jurisdiction in the private sector, the Chairman of the President's Committee, Vice President Humphrey, recommended that the Federal program be managed by the Civil Service Commission. Executive Order 11246 effected the transfer on September 24, 1965, and since then the program has remained under Civil Service Commission stewardship.

In 1961 President Kennedy had established a Presidential Commission on the Status of Women. One of this Commission's duties was to suggest constructive action concerning the employment policies and practice of the U.S. Government, with reference to additional affirmative steps to assure nondiscrimination on the basis of sex and to enhance constructive employment opportunities for women. In 1967 the word "sex" was added to official nondiscrimination language by Executive Order 11375, and in 1969 a new Executive order incorporated the Federal Women's Program into the overall Federal equal employment opportunity effort.

Executive Order 11478, issued by President Nixon on August 8, 1969, is considerably stronger in its commitment to a positive program than any previous Executive order. It is the first Executive order on equal opportunity which addresses Federal employees exclusively, and it outlines specifically the EEO responsibilities of Federal agencies. Of utmost significance, the order puts the EEO program exactly where it belongs—not as something to be administered separately, but in the mainstream of Federal personnel management.

With passage of P.L. 92–261, the Equal Employment Opportunity Act of 1972, the equal employment opportunity program has entered a new era. We have seen the program develop and change direction from the passive—stressing nondiscrimination and oriented to the processing of individual complaints—to the positive—relying on strengthened and broadened affirmative action to get results. We are seeing the program becoming integrated into every aspect of Federal personnel management.

While much more remains to be done, progress is evident. As of May 31, 1972, nearly one fifth (19.6 percent) of Federal employees were members of minority groups. Individual agency surveys have reflected a continuing trend of increased representation for minorities in the middle and upper grade and pay levels. As of October 31, 1971, women occupied 40.1 percent of Federal non-postal white-collar positions.

Ninety years ago the Civil Service Act introduced merit principles to the Federal employment system. Equal employment opportunity in Federal hiring had its humble beginning. By 1973 the EEO program has come the full circle, and it is now recognized that with real adherence to true merit principles we will achieve equal employment opportunity.

Once such nonrelevant factors as race, color, religion, sex, or national origin are removed, merit is the only guide for selection. Merit principles, embodied in statute, actually represented the first equal employment opportunity legislation in the Nation.

—Tommie Sue Leahy

Government Women—Past, Present, and Future

THE BEST IS YET TO COME

by JAYNE B. SPAIN
Vice Chairman
U.S. Civil Service Commission

1972 was a year for women. Congress passed the Equal Rights Amendment after a long, bitter struggle. President Nixon opened more doors to women in his administration. Women set an election record for offices sought and won, and we even saw a woman run for President.

Women are continuing to advance to positions of authority and responsibility in numerous occupations and professions. This is seen especially in the Federal Government, one of the largest and most progressive employers of women. Equal employment opportunity has been a principle in the Federal civil service since it was first established 90 years ago. However, translation of this principle into practice has been a long, slow process, and one which is still going on.

While Utopia from a woman's point of view has yet to be achieved in the Federal service, Government's record as an employer of women is much better than that of any other major employer. Even though we may be justifiably proud of how far we have come in assuring equal employment opportunities, we can never lose sight of how far we must go before our goal becomes reality.

The Women of Yore

A look at the history of the Federal civil service brings to light the fact that women were at the forefront of its founding. Miss Mary K. Goddard was appointed Postmaster of Baltimore, Md., 14 years before the Constitution was signed. Another dauntless female, Elizabeth Cresswell, was in charge of the Charlestown, Md., Post Office in 1786, and continued to hold that position for 3 more years.

Unfortunately, these examples didn't set a precedent. For 100 years or so afterward, few women dared to flaunt the "men only rule" by applying for jobs in the Government. Females employed outside of the home were considered "fallen women"; only widows or maiden ladies without fathers to support them worked.

In 1864 a statute was passed which set the maximum salary a woman could receive in Federal employment at $600 per year. Men performing the same work received up to $1,800 per year. The Treasury Department subscribed to the principle of equal pay for equal work, but most departments and agencies justified hiring women because they were cheaper than men. Men still doubted the ability of women to succeed in the working world.

In the words of a New York tax assessor of that time: "If the nerves and firmness of a *man* can rarely be found to withstand the wily exactions of dishonest taxpayers, I doubt the wisdom of filling their places with females!" As late as 1911, a Civil Service Commissioner reportedly said that the Government would no longer hire women stenographers because blondes were "too frivolous" and brunettes "too chatty."

Today we might hear women complaining of being "chained to a typewriter." In many ways, however, women owe a certain debt of gratitude to this newfangled machine. For it helped to assure us a slow but sure entry into the world of work. Women discovered that generally they were more adept at mastering the gadget than most men, and in 1883 the Civil Service Commission began giving tests for both men and women for positions as copyists (the equivalent of modern typists).

It is ironic that women, who are often more opposed to war than men, have often advanced occupationally during wartime. Except for a few isolated cases, the employment of women in the Federal Government actually began during the Civil War. Whole sections of departments began to be staffed with women. Women were found in the arsenals filling cartridge cases with powder, in the Treasury Department printing money, and in numerous agencies and departments working as copyists. It may have been mostly lower grade work, but it was a beginning.

A Start in the Right Direction

The Civil Service Act of 1883 gave important impetus to employment of women, establishing as it did the principle of merit and individual fitness as the test for appointment. The Act created a system of employment by practical examinations open to all citizens. Mary Frances Hoyt, a young Vassar College graduate, was among those who first took the civil service test. She achieved the highest score of all who took the exam, and received the second appointment to a Government job. Years later she told a Civil Service Commission Chairman that she might well have been the first appointee had she not been out of town on the day the Commission's letter was delivered.

The Civil Service Commission, in its second annual report, said, "It is now generally recognized that women can successfully perform the duties of many of the subordinate places under the Government." In reality, many agency heads and appointing officers requested men only for jobs from civil service lists for all but the most routine clerical positions. Many well-qualified women on the register were ignored because it was believed that appointing officers had the right to make appointments on the basis of sex.

One of the most forceful and effective civil service reformers, former President Theodore Roosevelt, was a staunch believer in the employment of women on an equal basis with men. When he was a Civil Service Commissioner answering a query from Wellesley College, he wrote: "No distinction is made in examinations or in any proceedings under the Commission, between men and women. They compete on precisely the same basis. The sole discretion whether men or women shall be appointed rests with the appointing officer. . . ." But he added, "most appointing officers seem to prefer men."

Even with only moderate encouragement, many women made their way into the competitive service in the first 10 years of its operation. By 1892 one in every four appointments throughout the service was given to a woman. In 1893 there were 3,770 women employed in Federal departments compared with 8,377 men.

Wartime Gains for Women

Although women gained in numbers in the Federal service during wartime, they lost during times of depression. Yet in spite of temporary setbacks, such as a depression in 1894, women always resumed their gains, not only in numbers but in the responsibilities and importance of the positions which they occupied.

By 1897 women were being appointed to lower grade professional and scientific positions. However, departments and agencies were still using the excuse of women's physical frailty to keep them from better jobs. Both the War and Navy Departments refused to appoint well-qualified women for positions as translators because the ladies could not climb ladders for books. That was all right, according to one young lady—she'd wear bloomers! This bold remark might have shocked the appointing officer, but it didn't get her the job.

In 1918 the United States was preparing for war. Once again women found their employment opportunities greatly increased. In addition to vacancies left by men who resigned to enlist in the Army, about 100,000 new positions were created and had to be filled as soon as possible. The Commission gave examinations day and night, and women found themselves being accepted by departments which previously were loathe even to consider employing females. The Commission reported in 1918 that "the most notable change in Government personnel action brought about by the war is the employment of women. They are everywhere. . . ."

The gains made by women in the clerical field were consolidated and publicized by the war. In this type of work their ability was never again questioned. But in the higher paid, more desirable, and most responsible jobs, women had yet to gain a real or permanent foothold.

Forty years after the passage of the Civil Service Act, equal opportunity for women took a gaint step forward: the principle of equal pay for equal work was established with enactment of the Classification Act of 1923. It was now the law that any person, regardless of sex, be paid according to the duties and responsibilities of the job. According to the law, "the principle of equal compensation for equal work irrespective of sex shall be followed." The philosophy dating back to before the Civil War, that women were valuable chiefly for their low-wage scale, was finally abandoned.

Although periods of widespread unemployment tend to limit women's opportunities, many entered the Federal civil service during the Depression before World War II. Although many intended to stay only until the male breadwinner could find employment, a large proportion of them liked Government work, and ended up staying until after the War ended.

Following the usual pattern, women made tremendous gains in Government employment during World War II. From June 1941 until June 1943 the number of women in Government increased more than three and a half times. By 1945 they numbered over one million out of a total of about three and one third million Federal employees.

This time, however, the outcome was different. Although many of the "Rosie the Riveter" types left the industrial plants, women retained the positions they gained in many professional and managerial positions. Since that time women's position in the higher levels of the Federal civil service has been continually expanded and strengthened.

Pressing On

Following World War II, women's right to equal opportunities was further strengthened by legislative and Executive orders:

☐ In 1962 the Attorney General declared an 1870 law invalid that gave agencies the option to request men only or women only for filling civil service positions.

☐ In 1967 an Executive order added sex to other prohibited forms of discrimination.

☐ In 1967 the Federal Women's Program was established to enhance the employment and advancement of women in the Federal service.

The latest enactment to enhance the career opportunities of women is the Equal Employment Opportunity Act of 1972. Discrimination against a Federal employee or applicant on the basis of race, creed, color, sex, or national origin is, for the first time, against the law. Agencies must provide action plans which include provisions for training and upward mobility. These plans must include women as well as members of minority groups.

As Vice Chairman of the Civil Service Commission, I am naturally involved in seeing that the Federal Government assures equal employment opportunities. At my swearing in, President Nixon assigned to me the responsibility of seeing that there is upward mobility for women in the career service. When I took office in 1971 there were 36 women in high executive positions in the Federal service. Today this number has more than quadrupled. We have over one thousand more women in grades 13 to 15 in Government than we did in 1971.

Yet there can be no denying that the top of the Federal pyramid is still a male domain, with most female civil servants filling secretarial, clerical, and lower positions. Only 4 percent of the positions in grades 13 to 18 are filled by women. And although equal pay for equal work is a law, the pay for women in Government averages no more than 60 percent of that for men because there are far more women than men in the lower paying jobs, thus pulling down the average.

Training is the key to upward mobility, and I have made it a personal crusade to see more women included in the Government's middle and upper level executive training courses. Today the situation definitely needs improvement. I have found that only 2 percent of the beneficiaries of Executive Seminar Center training are women! We need a significant and immediate increase in the number of women in mid-level training programs. Only in this way can they be fairly represented in the pool of trained and experienced career people from which the high-level positions are filled.

Now we are beginning to see some changes for the better in the Federal employment situation. The Government-wide Equal Employment Opportunity Program includes as one of its parts the Federal Women's Program. This Program is putting primary emphasis on upward mobility. Its goal is to see an equitable distribution of women employees throughout the entire grade-and-salary structure of Government.

FWP coordinators are giving principal attention to opening up "closed" occupations to women, promoting continued education for employees, counseling women about opportunities, and encouraging them to plan ahead for a career. This should bring about marked improvement for women in Federal employment.

Someone once said that the basic problem women must face is not discrimination as such, deliberate and preplanned, but that they often do not fit into situations designed by men for men. One essential fact that must be accepted is that women often leave the labor force for the responsibilities of maternity. In the future as in the past, many women will probably want to stop working while their children are young. But increasing numbers will want to return to work at a later date—and they will be increasingly needed.

New Patterns, New Gains

One of the most significant developments in the Federal Government is the beginning of new patterns for part-time employment. Through the Federal Women's Program, agencies are being urged to broaden their concepts of what kinds of work can be handled on a part-time basis, and to encourage more women to make use of such arrangements.

Part-time employment, in the middle of the day when small children are in school, can enable many young women to keep up their skills—anything from shorthand to nuclear physics—while providing needed service to agencies. They will be ready for full-time employment when their children are older, without the need for refresher courses or retraining.

It has been easier for women to gain initial entry into the Federal service than it has been for them to attain the more desirable positions. However, women have succeeded in breaking through barriers to jobs closed off to them before, and today we see women air traffic controllers, forest rangers, narcotics agents, sky marshals, and F.B.I. agents, to name but a few job classifications.

Now women, given the necessary qualifications, can go as high in the Federal civil service as men. The only limitations which will be significant in the future will be self-imposed—lack of vision, lack of effort, lack of preparation. "Woman's place" in Government will be whatever she chooses to make it.

Things are still not what they might be, or even what they should be. However, with training, education, and determination women will topple the "gender barrier." For women desiring careers in Government, the best is yet to come. #

OF JOB FACTORS AND BENCHMARKS

Up to TIG and Beyond

From the time of the founding of these United States, there has been a need for capable people to perform the vital and necessary functions concerned with the administration of Government. It became evident very early in our history that adequate, equitable compensation was not always made for such labor.

Conditions became so bad that in 1838 the 25th Congress of the United States, responding to petitions submitted by Federal employees, passed a resolution which required the heads of the then five departments in Washington, D.C., to prepare comprehensive labor reports. These reports included: (a) the classification of clerks in each department, (b) the kind of tasks performed, (c) the responsibility of each type of job, (d) the qualifications required of the clerks, and (e) the relative value (to the taxpayers) of the work of each category of clerk.

Thus, some 85 years before the Classification Act of 1923, Congress evidently was concerned with finding some basis for categorizing, or classifying, positions in the Federal service.

In 1853–54, Congress passed laws providing for four classes of positions for clerks in the departments of War, Navy, Post Office, Treasury, and Interior. These laws stayed on the books for some 70 years, serving to define and limit salary levels for certain types of clerical positions. While these laws *did* raise clerical salaries, they made no provision for relating salaries in any effective manner to the type of work performed.

Modern Classification Evolves

The Classification Act of 1923 provided a major innovation: a central agency would have final allocating authority for Federal positions within the District of Columbia, including many positions in the District Government. Coverage of the Act was extended to the field services—on a permissive basis by Public Law 555 in 1928, and on a mandatory basis by Public Law 880 in 1940 (the latter also authorizing the President to extend the coverage of the 1923 Act to positions not originally subject to the Act). The central classifying agency, the Personnel Classification Board, existed until October 1932.

The Act of 1923 required that each position be placed in a proper *service,* in addition to its class and grade. The Act listed eight grades in the subprofessional service, and 15 grades in the clerical, administrative, and fiscal service. Two other services were provided for as well: crafts, protective, and custodial; and clerical-mechanical.

In October 1932 the Personnel Classification Board disbanded, and its duties, powers, and functions were transferred to the Civil Service Commission.

A New Approach

Some 26 years after the passage of the Classification Act of 1923, more than 885,000 employees were covered by the Act. Of the total, about 18 percent were in Washington, with the balance in the field.

At this time the 81st Congress passed Public Law 429, the Classification Act of 1949, which combined the 31 grades of the professional-scientific service, the clerical-administrative-fiscal service, and the professional service provided for in the Act of 1923 into the first 15 grades of the General Schedule. Three additional grades, GS–16, 17, and 18, were added to the schedule at that time. This same General Schedule now covers some 1.3 million Federal employees.

The Classification Act of 1949 provided, in part, that:

☐ Each position shall be placed in its proper class and grade, according to its level of difficulty, responsibility, and the qualifications required by the duties of the position.

☐ The Civil Service Commission shall prepare and publish standards for placing positions in their proper class and grade.

☐ Each department shall place its positions in appropriate classes and grades in conformance with CSC-published standards or, if no published standards directly apply, consistent with published standards. The Commission shall review departmental actions to ascertain whether positions are being appropriately classified.

The Classification Act of 1949 includes definitions of each General Schedule grade level. Each grade level is defined in terms of the type of supervision received, the nature of the work performed, the extent of judgment exercised, and the training or experience required to perform the work. To illustrate, here is the Classification Act definition of GS–11:

"Under general administrative supervision, performs responsible work of considerable difficulty, exercising wide latitude for independent judgment, (and) requiring somewhat extended professional, scientific, or technical training and experience which has demon-

strated important attainments and marked capacity for independent work."

In carrying out its responsibilities under the Classification Act of 1949, the Civil Service Commission has published position classification standards which expand upon the grade-level definitions included in the Act itself. Classification standards are prepared using (or at least considering) eight basic factors: (1) nature and variety of work, (2) nature of supervision received, (3) nature of available guidelines, (4) originality required, (5) personal relationships, (6) recommendations, commitments, decisions made, (7) supervision over others, and (8) qualifications required.

Need for Change

In the years since the passage of the Classification Act of 1949, numerous complaints have been received concerning the difficulty of understanding, explaining, and applying the classification standards developed under the Act. These complaints, together with others received concerning classification inequities, caused the House Post Office and Civil Service Committee, in its executive session of September 20, 1967, to decide that a comprehensive review be made of the entire classification process in the Federal service.

The study, made by Chairman James Hanley's Subcommittee on Position Classification, was completed in February 1969 and included 11 major recommendations. In July 1969, Chairman Hanley introduced in the House of Representatives the bill that later became Public Law 91–216, the Job Evaluation Policy Act of 1970.

This law required the establishment within the Civil Service Commission of an organizational unit, which became the Job Evaluation and Pay Review Task Force. The Task Force was to prepare a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking for civilian positions in the executive branch.

The Task Force made in-depth studies of various Federal job evaluation and pay policies and practices, considered inputs from other governments, organizations, State systems, private industry, unions, and consultants, and made its final report to the Civil Service Commission on December 17, 1971. The report included a recommendation to introduce the concept of a factor-ranking system and the use of benchmark positions in place of narrative position classification standards for evaluating positions under the General Schedule.

The Commission endorsed this recommendation, subject to the satisfactory completion of tests, and in March 1972 sent its report to the President.

Today

To test this recommendation, the Commission established a Test and Implementation Group (TIG) in the Bureau of Policies and Standards. TIG began, some months ago, to elicit the cooperation of Federal agencies and employee organizations in designing and testing a factor-ranking/benchmark system of job evaluation to cover jobs in GS grades 1 through 15. This system involves the use of standardized job evaluation factors and benchmark position descriptions.

The job evaluation factors used are variations of those employed in many other job evaluation systems and which show the most promise for making meaningful differentiations among the various occupational grade levels. At this writing, the proposed job evaluation method is being designed around the following factors:

☐ *Knowledge Required by the Job*—This factor concerns the skills, knowledge, and abilities needed to do the work.

☐ *Responsibility*—Includes the authority to make commitments, the supervision exercised over the position, and the impact of the work on the mission of the organization.

☐ *Difficulty*—Includes the complexity and scope of the position, the relevance of available guidelines, and the judgment and originality required by the work.

☐ *Personal Relationships*—Considers the nature and purpose of personal contacts on the job.

☐ *Environmental Demands*—Concerns physical requirements and the demands made by the work environment on the worker.

Changes in factors or their definitions may well occur as the methodology evolves.

The heart of the system, the benchmark, is a description of a "real" position, written in the factor format, which has been previously classified and which may be used to directly evaluate certain jobs. In those instances where unevaluated jobs are *not* covered by benchmarks, the methodology provides guidecharts to insure proper and consistent evaluation. The technical features of the proposed evaluation system will be further discussed in future issues of the *Journal.*

The proposed system is likely to be considered for adoption throughout the Federal service if it satisfies three major objectives: (1) it turns out to be relatively simple to apply; (2) it can be readily understood by managers and employees; and (3) it produces accurate and consistent identification of skill levels, provides valid and reliable job evaluations, and is sufficiently flexible to accommodate new occupations or major modifications in existing occupations.

—Milton R. Boss

no matter what boat

by
L. J. ANDOLSEK
Commissioner
U.S. Civil Service Commission

WORKING IN AN OFFICE near mine at the Civil Service Commission is a man whose ancestors came to America on the Mayflower.

Right down the hall is a woman whose great-great-grandparents came on a slave ship from Africa.

My own parents came in the steerage of a steamship carrying immigrants from Austria.

It is safe to say that nearly every employee in the Federal civil service, like nearly everyone else in the country, is either an immigrant or a descendant of immigrants. Whatever school or college we may have attended, most of us are graduates of the steerage class.

One of the glories of the Federal civil service system is the fact that its first principle is merit. If you can do the job it doesn't matter who your ancestors were, when they arrived in this country, or which boat brought them here.

Remember that I said: "*if* you can do the job."

But the values of the merit system to our society do not stop there. In addition to the obvious advantages it offers to ambitious people without family or political connections, it has positive values to society in general —it serves the interests of the Government, it serves the taxpayers exceptionally well, and it offers powerful motivation to Federal employees toward better performance.

The merit system guarantees that a man or woman who applies for a Federal job or who is in the Federal career service can qualify for a job or a promotion entirely on his or her ability to perform the job. It also protects the employee from being dismissed arbitrarily or being forced to contribute either time or money to political causes to which he does not want to contribute.

Value to Taxpayer

To the American taxpayer, the merit system insures that the best qualified people available will be selected for public service. It requires that public servants maintain high standards of conduct and competence during their employment. Merit principles, in themselves, do not guarantee efficiency and economy of operations (that is dependent also upon effective management), but the selection of well-qualified workers is the best way of assuring managers they will have at hand people who can get the work done well.

To the National Government, the merit system insures a highly competent and stable work force capable of providing the continuity of essential Government programs. It means freedom from the upheavals of the old spoils system which, with each change of administration, saw such mass removals of Government workers that the Government machinery often was brought to a standstill.

Thus, in establishing the merit concept in public em-

ployment, the Civil Service Act has probably done more to foster and preserve representative self-government in America than any enactment since the Constitution and the Bill of Rights.

Unique System

The American civil service system differs from nearly all central government systems in the world. Its nationwide examinations are open to everyone, regardless of social class, school attended, place of residence, or political affiliation.

Its examinations are required to be job-related, and as little tied in with formal education as possible.

The Pendleton Act of 1883 was essentially simple—yet also revolutionary. Whenever the common man could pass a test for a job, he could come into the Government, often in a high place. This was something new in the world, and radically different.

To many graduates of the steerage class, it made *all* the difference. It was well attuned to the requirements of a mobile society interested both in freedom and equality. And from the beginning it was peculiarly responsive to a basic American idea, that of recognizing and applauding practical experience—the ability to get things done—to an even greater extent than it recognized theoretical ability. From my own experience in the personnel business, I know what a difference it makes to the individual employee to realize that he or she has been selected on merit—not on the basis of who he knows, but what he can do.

Employee morale and motivation to do a better job improve about 100 percent when the employee knows he has been selected and will be promoted on the basis of ability, not connections.

When my parents left the old country and came to the new world at the turn of the century, they wanted to break out of the rigid caste system that operated in Europe and kept men and women from realizing their potential.

So badly did my parents want to break the old pattern that my father first came to this country alone. There was not enough passage money for my mother and the rest of the family at that time. Later, when my father had saved enough, he sent back for my mother. Fourteen to 15 years later one of my brothers arrived —on his 16th birthday. This was the first time we met. My oldest brother never did make it to the United States.

And truthfully, they did not find that America, the land of opportunity, gave them any magic passport to an easy life. They were still discriminated against. They still had to do backbreaking work. And they did not actually realize their inborn potential.

But their children did!

Perhaps the main reason that I, like many other sons and daughters of immigrants, was able to take advantage of American opportunities was that our parents were stern and resolute. They clearly perceived the value of discipline, of religion, of education, and of a close-knit family.

They gave us the discipline and the close-knit family as a gift. The education we could earn for ourselves—but they *insisted* that we do so. And by education they did not mean just college education. They meant grade school, high school, night school, and vocational training. They knew that education was important and they wanted as much of it as possible—if not for themselves, at least for their children.

This same emphasis on education, on discipline, on family was typical of successive waves of immigrants, going all the way back to the Mayflower. The growth of this country has been described in many persuasive ways, but certainly one of the best theories with which to account for the lively character of the United States is to see its development in terms of the interaction between immigrants and the conditions they found here.

First Wave—Irish

After the United States was well established as a nation, the first major wave of immigrants was made up of 4½ million people who left Ireland for America between about 1820 and 1920. Large numbers left Ireland for America following the failure of the Irish potato crop in 1846 and 1847.

As newcomers, they faced the scorn of established "Americans" that was to greet each group following them. Because they lacked formal skills, they were compelled to take jobs as manual laborers and domestic servants to survive. Irish labor built the canals that were essential to the development of this country until the canals were replaced by the railroads. When the railroad became the principal means of transportation, it was Irish labor that laid much of the track.

Because they knew first hand the disadvantages of illiteracy, they were determined to have the advantages of education for their children. They started not only parochial schools, but also universities, such as Notre Dame, Fordham, Holy Cross, Villanova, St. Louis University, Catholic University, and Georgetown. Due to the insistence of the older generations of Irish-Americans on hard work and education, subsequent generations were prepared to take prominent roles as civil servants, teachers, writers, journalists, labor leaders, orators, and priests.

Germans Next

After 1850, the first wave of Irish immigration began to drop off while the number of people from the next major immigrant group, the Germans, began to

increase. Six million new Americans came from Germany between 1830 and 1930. German farmers were attracted to the United States by cheap public and railroad lands, and later by free homesteads. They helped farm the Midwest and Mississippi Valley.

The Germans, like the Irish, were very much aware of the importance of education in achieving their goals. The thinking of German immigrants influenced our system of public education from kindergarten to the university. Both the kindergarten (as the name would suggest) and the State-supported university are patterned after German models.

Scandinavians Arrive

Scandinavian immigration, which started with the Swedes about 1840, and the German immigration overlapped just as the German immigration overlapped that of the Irish.

The Swedes moved westward along the Erie Canal and the Great Lakes to the prairie States of the upper Mississippi Valley. Except for the Norwegians, other Scandinavian immigrants settled in more-or-less the same geographical pattern. The Norwegians settled as far west as the Dakotas, Oregon, and Washington.

The Scandinavians strongly supported public schools. Their contributions to American education include the introduction of home economics courses in our public schools, the initiation of adult education programs, and the origination of 4–H Clubs. Several colleges throughout the Midwest were founded by Norwegians and Swedes.

Southern and Eastern Europeans

The pattern of immigration changed significantly toward the end of the 19th century. America's rapidly growing industry created an enormous demand for labor. To meet this demand, Italians, Russians, Poles, Czechs, Hungarians, Rumanians, Bulgarians, Austrians, and Greeks came to America in large numbers in a relatively short time.

These peoples faced an even greater language barrier than had been encountered by earlier groups—and there was, for them, an even wider gap between the world they left and the one they found in America. Most of the immigrants from southern and eastern Europe were rural people. In America they were forced, for the most part, into an urban way of life.

The Italians represent the largest single group of immigrants from southern Europe. More than five million have come to this country since 1820.

Strengthened by their adherence to the church and their strong family ties, they were able to overcome great obstacles of prejudice and misunderstanding and find places of importance in almost every phase of American life.

The largest single group of eastern Europeans is the Poles. They came to America at about the same time as the Italians. They encountered substandard living conditions and a hostile, alien environment. But strengthened by their religious faith and their determination to succeed, they too gradually improved their status.

The Jews

Although the Jews appeared as part of several of the waves of immigration, they should be mentioned separately because they have played such an important part in the development of this country and because they encountered religious prejudice that persists to some extent to this day.

During the early 19th century, the Jews who came to America often worked as peddlers, selling from packs

or carts. Some opened small stores from which grew many of our large department stores. After 1848, large numbers of Jews came to America from Germany. This immigration brought many Jewish intellectuals, philosophers, educators, political leaders, and social reformers. Jewish immigrants have made contributions as scholars, educators, scientists, judges and lawyers, journalists, labor leaders, and statesmen.

Chinese and Japanese

Immigration from the Orient in the late 1800's, confined chiefly to California and the west coast, resulted in some of the most deplorable incidents in the history of American immigration. Immigrants from the Far East were often stoned by American mobs. The Chinese were the victims of discriminatory legislation beginning with the Chinese Exclusion Act of 1882. And during World War II many Japanese-Americans were arbitrarily shipped to relocation camps. The obstacles they met and overcame are certainly among the greatest faced by any immigrant group.

Today's Immigrants

The pattern of immigration to this country has changed in recent years due to restrictive quotas imposed on immigration from southern and eastern Europe. According to the U.S. Immigration and Naturalization Service, the West Indies, Mexico, and the Philippines are now the no. 1, 2, and 3 countries sending citizens to America. But the tales told by the immigrants remain the same: juntas and taxes, poverty and oppression left behind.

Some of the old steerage graduates now look upon the American Goddess, Technology, as a villain. But the new immigrants see her as a savior. A factory may be dirty and boring, but the hours of work are legally limited, and the fringe benefits are unimaginable by old-country standards.

The American dream has been translated into many languages, but the ending is always the same: prosperity and dignity ever after. And the reason the dream comes true in so many instances is that the immigrants and their children are willing to undergo the discipline of hard work in order to gain the rewards offered by America.

It is unfortunately true that some of our most recent immigrants have yet to achieve that happy ending because they have been here too short a time, and one group long in residence here, the blacks, has not yet enjoyed the bounty of America to the same extent as others.

The early blacks did not come here with thoughts of living the American dream, but were brought against their will, came as slaves and continued as slaves for a considerable period. When freed they were not permitted to enjoy the same educational and employment advantages as other arrivals. Years of separate, but far from equal, schools made it extremely difficult for them to compete in the mainstream, and their employment opportunities were in relatively few fields.

At the very time when social changes in the United States began to work in their favor, and they might well have profited from the traditional values that spurred the willing immigrants, many found themselves in the midst of other changes that laid decreasing emphasis on family life, parental discipline, and work. When they finally began to get their chance, many were ill-prepared to make the most of it.

Because of a long history of racial discrimination and color barriers, they have been the "unmeltables" in the American melting pot. I can remember having a lively interchange, from the platform where I was speaking, with a black man who came up to me after the speech and told me in seven words why he had had

such a hard time melting into the mainstream of American life. He said: "I wear my race on my face."

Yet I feel sure that in the long run self-discipline, hard work, and better education will prove to be the answer for the blacks as it has for others. I specifically reject the implication that this is "bootstrap sociology," summed up in the exclamation: "We pulled ourselves up, why can't they?" The reasons why "they" have not yet been able to do so are plain to be seen.

Even with these handicaps, blacks have done well in civil service employment. Some years ago the Post Office particularly, at the time when its operational positions were filled under the civil service merit system, became the avenue for thousands of blacks to make it and assure their children the education to qualify for better jobs in recent times.

Those who contend that written tests discriminate against minorities should take another look at this black experience in civil service and re-think their position. Written tests, because they are objective and color-blind, certainly did not discriminate against the blacks, and were instead the mechanism through which they were able to overcome the discrimination in hiring faced elsewhere. In fact, a 6-year study of possible racial bias in written tests has recently been concluded. This study, conducted by the Educational Testing Service, proved that carefully selected tests predict job performance *fairly* for members of varied ethnic groups, including blacks.

I do not contend that this means blacks have entered into the full benefits of American life—obviously most have not. They need to catch up in education, in respect tendered by American society, and in the benefits of a strong family discipline.

As a matter of fact, non-minority Americans have just as large a stake in the revitalization of these basic social values as do the blacks. The bell tolls for all of us. In my view there is no change so needed in modern American life as a return to the work ethic, the American dream, the unity and discipline of the old-fashioned family unit—values that are now open to so much scorn.

Without these values America will never make it.

It is essentially useless for the system to give any individual or any group something for nothing, a truth which has been plainly evident ever since the decadent Roman Empire was overrun by barbarians from the north.

Quotas . . . Compensatory . . . Proportional

We hear calls today for quotas and compensatory preference for minorities who are "under-represented" in employment, until "proportional representation" is achieved in the work force.

Not only is this incompatible with the merit concept, it is a slur on the groups such suggestions are intended to benefit. A look at the record shows that, as a result of the accent on equal opportunity in recent years, minorities have been entering civil service in growing numbers and advancing within the career system at a good rate. Today, nearly 20 percent of the work force is made up of minority people, with blacks representing 15.9 percent—while they are only about 11 percent of the population.

I am reminded of two discrimination complaint cases recently decided by the Civil Service Commission. One involved the denial of a promotion to a black who was well qualified. A Caucasian had been promoted instead. The Commission's Board of Appeals and Review, to whom final appeal was made, directed that the black be promoted.

The other case was different in a very interesting way. A black was promoted and a white man appealed on the basis of racial discrimination, claiming that the black was not better qualified, but was promoted through "discrimination in reverse." The supervisor who took the action admitted that he selected the black because of his race.

The Board of Appeals and Review, in considering the matter on appeal, directed the agency to promote the white man. The agency requested the Commissioners to reopen the matter and to revise the BAR decision. In denying the agency's request for reopening, the Chairman, speaking for all three Commissioners, said:

"As a matter of policy, the Commissioners do not feel that affirmative action responses require making decisions and selections in which race (or sex, etc.) is a factor. Special emphasis is one thing, but special preference is wholly contrary to merit operations.

"During the last decade we have all learned the hard lesson that historically passive merit system administration did not produce equal opportunity. Hence, special emphasis became urgently necessary—so much so that EEO became a special program in and of itself.

"We have gained much experience with special emphasis since those early days. And today we have new laws to support *active* merit system administration. The time has come, we believe, when affirmative action programs can no longer be viewed and operated as special emphases that will wither and disappear when certain goals are reached and certain balances are achieved. We are convinced that affirmative action must now and in the future be viewed as an integral and permanent element of active merit operations—so active, in fact, that all discrimination, against minority and majority alike, is prohibited and enforced, and all employees receive equal opportunity in employment."

This is but another aspect of the American dream, under which it does not matter whether you are prince or pauper, tinsmith or tutor, black or white, lord of the realm or king of the road. What does count is what you can do, and how hard you are willing to work.

My own parents couldn't speak a word of English

when they came to this country. My father worked twelve and fourteen hours a day in an iron mine to support his family—and insisted that I stay in school. Consequently, I have been able to pursue a long and satisfying career with the U.S. Government, beginning in the civil service and ending with a Presidential appointment.

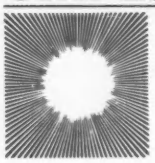
That's only one generation from "the boat" to an active role in the Government of the country. This kind of leap has been made by many offspring of immigrants, and I don't think that kind of progress is possible in any other country in the world.

The merit concept has a special meaning for me because it enables the least of us to aspire to a place in Government and be considered in competition with other citizens on the basis of individual ability.

It is this fairness and objectivity, exemplified by the merit system, that open the doors of employment for qualified personnel no matter what boat brought them or their ancestors to these shores.

To make the American dream come true for all civil servants requires a more *active* administration of merit principles. That is the challenge before us as we pass the milestone of the 90th anniversary of the Civil Service Act of 1883. #

EMPLOYMENT FOCUS



Changing Federal Service—
Statistical Highlights

Federal civilian employment has grown and varied tremendously in the period 1883 to 1973. This reflects the population growth and changes in the United States from a society that was primarily agricultural to the complex one that exists today and which looks to government at all levels for additional services.

Prior to World War I, the United States population gradually multiplied from 54,100,000 in 1883 to 99,-118,000 in 1914. The number employed by the Federal Government was fairly stable prior to World War I and gradually increased to about 402,000 by 1914.

Federal civilian employment during World War I peaked at 855,000 in 1918 and then decreased—although not down to the prior employment level. These changes were due primarily to growth and decline in the Department of Defense and set the trend followed by the Federal work force in the ensuing years.

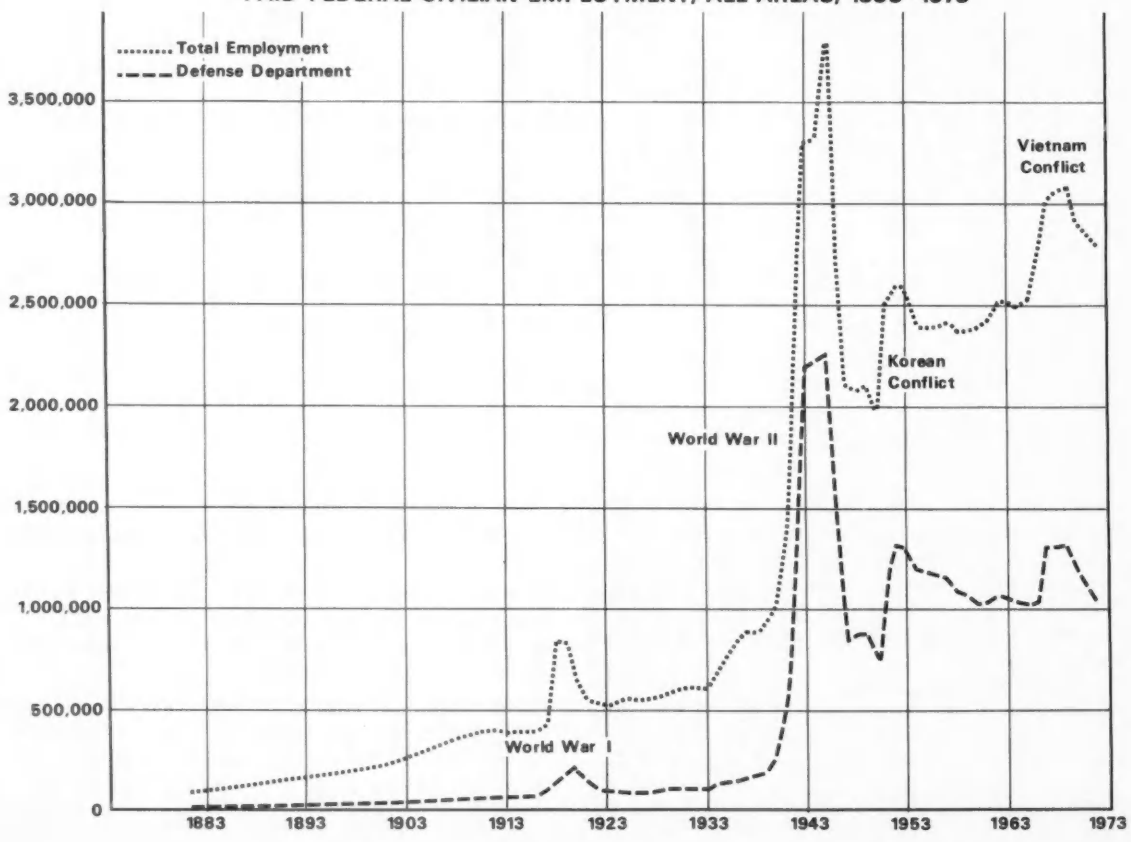
The graph below shows that total employment (upper line) corresponds to changes in Defense Department employment (lower line). Both total and Defense employment rose greatly during wartime and afterwards decreased almost as rapidly, although never down to the earlier levels of employment.

In 1939, Federal civilian employment had not yet reached one million. By the end of World War II, however, the Government had increased to nearly four million civilian employees. The Federal work force then contracted to just under two million in 1950.

This growth and decline pattern was similar, although on a smaller scale, for the Korean and Vietnam conflicts. Federal civilian employment peaked at 2,601,000 in 1952 for the Korean conflict and at 3,076,000 in 1969 for the Vietnam conflict.

Today there are about 2.8 million employees, including part-time and intermittent workers, and the number is continuing to decline. —*Christine Steele*

PAID FEDERAL CIVILIAN EMPLOYMENT, ALL AREAS, 1883–1973



THE AWARDS STORY THE AWARDS STORY

In the Beginning

"The vast complexity of modern Government demands a constant search for ways of conducting the public business with increased efficiency and economy. I am firmly convinced that employees of the Federal Government can, through their diligence and competence, make further significant contributions to the important task of improving Government operations." So stated President Dwight D. Eisenhower shortly after enactment of the Government Employees' Incentive Awards Act, September 1, 1954.

In 1954, the concept of an Incentive Awards program was not new to the Federal Government or to private industry. A Scottish shipbuilder, William Denny, installed the first such program in his Dumbarton shipyards in 1880. Yale & Towne Manufacturing Company in Stamford, Conn., probably first introduced the idea in this country in the 1880's, with the National Cash Register Company following in 1894.

In the field of government, the British established a program of suggestion awards in its Royal ordnance factories as early as 1903.

In the United States, Government entered the field when an act of July 17, 1912, authorized the Secretary of War to pay cash awards for suggestions by workers in the Army's ordnance shops. A similar but more active program was initiated by the Department of the Navy in 1919 under Acting Secretary Franklin D. Roosevelt. The first cash award, $125, was made to J. F. Breen for an improvement in a piece of ordnance equipment.

Between World Wars I and II, both Government and industrial suggestion programs were generally inoperative, and it was not until World War II that they really came into their own.

Within a year after Pearl Harbor, 1,400 new systems were in operation in industry. The Mead-Ramspeck Act of August 1, 1941, authorized salary increases to certain Federal employees for "meritorious service," the only type of award that could be given employees by agencies at that time without special legislation.

In 1943, the War Production Board spurred the defense industry into establishing an active employee suggestion program under the guidance of each factory's labor-management committee. Also in 1943, the Navy Department revitalized its beneficial suggestion program under an old act of July 1, 1918.

Special provisions included in the appropriation acts for the Department of the Interior, Maritime Commission, and the War Department permitted them to give cash awards for adopted suggestions resulting in improvements or economy in operations. The War Department's "ideas for victory" program was particularly noteworthy, saving more than $100 million during its 2 years of wartime operation. (During this period, some offices such as the Post Office operated employee suggestion programs on an honorary recognition basis.)

First General Applications

After the war, Congress in 1946 passed Public Law 600, which extended the employee suggestion program to Government agencies in general. Except for the War and Navy Departments, this law fixed $1,000 as the maximum award an agency could grant for an adopted suggestion, and limited to $25,000 the total amount that an agency could pay for all suggestion awards during any one year. The law also divided responsibility for control of the Government-wide program between the Bureau of the Budget and the Civil Service Commission.

Title X of the Classification Act of 1949 introduced the new principle of granting cash awards to groups of employees or individuals whose work performance contributed to efficiency in Government operations. A special effort was made to reward the supervisor who generated economies in the operation of his own office. Title VII of the Act continued the Mead-Ramspeck step increases for meritorious service, originally introduced in 1941 (later called quality increases, under the Federal Salary Reform Act of 1962).

While there were incentive awards programs in certain parts of the Federal service between 1946 and 1954, they were based on several different laws of limited coverage and varied greatly from one agency to another.

Government-Wide Program

In 1954 the Congress, on recommendation of the President, determined that the Federal Government needed an up-to-date incentive awards program. Public Law 763, Title III, 83d Congress, established the Government Employees' Incentive Awards program, effective November 30, 1954. This law repealed previous

laws on the subject and for the first time established a uniform Government-wide program guided solely by the Civil Service Commission. Following Commission direction, each agency established an Incentive Awards plan tailored to meet individual agency needs.

The new law, with its flexible and easily understood provisions, provided a sound base for an effective program. In addition to authorizing all agencies to conduct both a cash and honorary awards program, the legislation permitted agencies to grant much larger awards—up to $5,000 on their own authority, and as high as $25,000 if approved by the Civil Service Commission; enabled an employee to receive awards from all agencies that benefit from a suggestion; eliminated the annual limit on total cash awards an agency could grant for adopted suggestions; and extended the awards program to cover inventions by Government employees. Another major provision of the law authorized Presidential honorary awards.

The most significant aspect of the new program was the creation of a complete system of cash and honorary awards, which provides opportunities for employees during the entire course of their careers to earn recognition for superior performance or achievement. Depending upon the nature and value of the individual's or group's contribution or achievement, cash awards may range from $25 to $25,000, and honorary awards may range in level of importance from informal commendations and agency high honorary awards (typically in the form of medals and citations granted by the top administrator) to Presidential recognition.

The underlying value of the program is that it provides an effective means for supervisors and managers to give recognition equitably and objectively to deserving employees for achieving results beneficial to the organization.

High honorary awards became an increasingly important part of the Incentive Awards program during the mid-50's, providing both Government and non-Government recognition which served to complement agencies' honorary awards.

Foremost among these is the President's Award for Distinguished Federal Civilian Service. Awarded first in 1958, this is the highest honor that the Government can bestow on a career employee. It is granted annually by the President to career civilian employees, generally numbering five, for achievements so outstanding that they merit greater public commendation than can be accorded by an award from the head of the agency.

Other significant awards of honorary nature presented annually to Federal employees include the Presidential Management Improvement Awards, which recognize officials or organizations making exceptional contributions to cost reduction or improved operating effectiveness of the Federal Government, and the Rockefeller Public Service Awards, granted for outstanding service in each of five fields, namely administration; foreign affairs or international operations; general welfare or natural resources; law, legislation, or regulations; and science, technology, or engineering.

Another honorary award program is the National Civil Service League Awards, consisting of both Career Service Awards to career employees who exemplify in an outstanding manner the primary characteristics of efficiency, achievement, character, and service, and Special Achievement Awards to recognize employees whose single accomplishment has contributed significantly to our national well-being.

Continuing, there is the Federal Woman's Award, which recognizes women whose career service has been characterized by outstanding ability and achievement in executive, professional, scientific, and technical fields; the Warner W. Stockberger Achievement Award, honoring a person in public or private life who has made an outstanding contribution toward the improvement of public personnel management at any level of government; and the William A. Jump Memorial Award for Federal employees who render outstanding service in the field of public administration or who make notable contributions in this field by demonstrating leadership, creative thinking, and exemplary achievement.

Significant Milestones

The year 1964 marked the 10th anniversary of the Government-Wide Incentive Awards program. During its first decade the program proved to be a continuing source of economies in the use of tax dollars and improvements in the quality of service to the public. As a fitting finale to the 10th year, a special national awards ceremony was held in Washington, at which President Lyndon B. Johnson afforded national recognition to employees, supervisors, and managers who had made the most notable contributions to Government operations through suggestions or special achievements during the year.

July 1, 1969, was another milestone in the Incentive Awards program. On that date, major changes were made effective, based on intensive congressional and Civil Service Commission studies. The changes were aimed at streamlining the processing of suggestions, focusing employee ingenuity upon areas representing economies or improvements in operations, and providing greater objectivity and monetary value in awards, while simplifying procedures and giving supervisors more authority to make effective use of incentive awards.

Agency reactions to the changes were favorable, and the results have been excellent. Perhaps the most significant results have been the increase in the quality of employee suggestions, the continuing upward trend in measurable benefits (over $150 million from adopted suggestions for each of the past 6 years, and a record $202.1 million for Fiscal Year 1972), the

POSTERS such as these were used to draw attention to Navy's suggestion program during World War II.

speedup in processing suggestions, and the conservation of valuable time on the part of supervisors and managers who can now concentrate on suggestions that save tax dollars and improve operations.

Over a period of almost 20 years, the Incentive Awards program has paid handsome dividends to the Government, to many hundreds of thousands of Federal employees whose outstanding contributions have been recognized, and to all Americans who have benefited from improved governmental services and more economical operations. Almost 2 million ideas have been put into effect—representing tremendous conservation of man-hours and materials, reductions in operating costs, and improvements in the services provided the public. The current suggestion adoption rate is over 25 percent, with average cash awards to employees of $83.

Superior performance or singular achievements, including important contributions to scientific research, have resulted in awards to over 1.3 million employees. During the past fiscal year approximately one out of 12 Federal employees received monetary or honorary recognition, either through a suggestion or special achievement award, or an increase in salary for high-quality performance.

Since 1954, a total of almost $2 billion in first-year measurable benefits has resulted from adopted employee suggestions, and $1.6 billion from special achievements beyond job responsibilities. Based on estimates made by the House Subcommittee on Manpower and Civil Service in 1967, less than one dollar in cost of cash awards and program administration is incurred for each $10 of measurable first-year benefits (and benefits from suggestions continue for an average of over 3 years).

But the story of achievement written by outstanding men and women in Government is not only one of awards earned or of dollars saved, but also the impact that their contributions have had and continue to have on the lives of all Americans and on others throughout the world.

Impact of the Program

Many of these achievements are concentrated in the fields of science, engineering, and medicine. Some of the most noteworthy of the high achievers honored include:

☐ Those outstanding civil servants who pioneered in the development of radar and sonar technology, permitting man to literally "see over the horizon" and to probe the depths of the sea, thus safeguarding our air and sea corridors and contributing to national defense.

☐ Scientists and engineers whose achievements in the field of space technology culminated in lunar explorations, thus providing opportunities for improvements in such diverse fields as communications, global weather forecasting, and geophysics.

☐ Brilliant medical research staff members whose dedicated work has led to such significant breakthroughs as miracle pain-killing drugs, the artificial heart pump, a blood plasma extender, and advanced surgical repair materials and techniques.

☐ Internationally recognized men and women in the field of agricultural research whose achievements have had tremendous impact in helping to solve nutritional problems and conquer disease-bearing insects, thus reducing environmental contamination and providing improvements in the health and food supplies of people throughout the world.

Whether major contributions or minor achievements,

incentive awards have provided for almost two decades a planned means by which new ideas, innovations, and superior performance of Federal employees at all levels can be encouraged and recognized.

In recent years there has been an increase in the scope and complexity of Federal incentive awards programs. Major factors which have brought this about include the following:

☐ Extensive use of awards to support such important national programs and policies as equal employment opportunity, improved service to the public, and management improvement.

☐ Increased number of awards for Federal employees sponsored by professional, civic, and philanthropic organizations to make the general public aware of the significant contributions made by civil servants, and to encourage young people to seek Government careers.

☐ Increasing interest of employee organizations in all phases of personnel management, including incentive awards.

☐ Growing awareness on the part of management officials, supervisors, and employees of the importance of incentives in getting the job done and done well.

The Incentive Awards program has demonstrated continued growth and increasing benefits. Because it has proved itself to be a viable means for involving employees, supervisors, and managers in the process of constructive change, there is promise that incentive awards will continue to play an important role in stimulating ever greater and more productive use of Federal manpower and other resources in the future.

—Dick Brengel

RECRUITERS FORUM

RECRUITERS FORUM

Recruiting and examining is the link in the relationship between people looking for jobs and jobs looking for people.

In the beginning, with no end in sight to the "hungry host of place-seekers" (as the first Civil Service Commissioners put it), civil service examinations *were* the merit system. Subjects of the general examinations in 1883 were described as: 1st, orthography, penmanship, and copying; 2d, arithmetic—fundamental rules, fractions, and percentages; 3d, interest, discount, and elements of bookkeeping and accounts; 4th, elements of the English language, letter-writing, and the proper construction of sentences; and 5th, elements of the geography, history, and government of the United States.

Changing Character and Groundrules

The character of examinations has changed considerably since then. Given a widespread eagerness for public employment, the job-related examinations of today go a long way toward assuring competence in the public service and divorcing appointments from politics. Agency missions and changing job requirements have altered the way we look at the recruiting and examining function.

One purpose of the merit system is to assure that every citizen is informed of, and has full opportunity to compete fairly for, the jobs for which he or she is qualified—without regard to race, creed, color, or any other nonmerit consideration. One expression of this

is the long tradition of public notice—the examination announcements which are a familiar sight on post office bulletin boards to all but the youngest generation of Americans.

With the proliferation over the years of jobs, agencies, and programs unknown to the people of 1883, civil service groundrules for achieving merit system purposes have changed. A written examination for each type of job was the prescribed route to Federal employment for a time, followed by a movement toward consolidation in "broadband" examinations such as the FSEE (Federal Service Entrance Examination). Now we are moving toward the capability to accept an application from any person at any time for a job anywhere in the Federal service.

Sputnik Spurs Recruitment

In recruitment, the most notable changes took place in the post-Sputnik years when Federal agencies and private employers were competing intensively for large numbers of engineers, scientists, and other highly skilled people then in short supply. For the first time, the Government was into direct recruitment in a big way, and things haven't been the same since.

Recruiting traditionally has been considered a function of employing agencies rather than of the Civil Service Commission. For one thing, until the latter part of the sixties, the Commission lacked the resources to do much more than oversee the operation of the system. For another, when attempting to interest individuals in specific jobs, specific programs, and specific agencies, it makes sense to do it through those who are best informed—the agency people closest to the scene. However, in the development of their recruitment programs, agencies were aided and abetted by RCRO's—Recruiting and College Relations Officers—in jobs established for the purpose in the Commission's regional offices.

As employers—public and private—built up their recruiting programs, there was a corresponding development in the placement activity on college campuses. Changes in society, in the numbers of young people going to college, in patterns of mobility, and the like mean that the college placement office will continue to be an essential part of the employment picture. But this also creates a built-in demand for recruiters to be there recruiting, whether employers need people or not.

Another Step Forward

Modern recruiting and examining practice took another step forward when agency boards of examiners gave way to Commission-operated interagency boards, soon after transformed into CSC area offices with detached job information centers and toll-free WATS lines. These changes brought about a vast increase in the Commission's capabilities for informational and recruitment activities.

Recently, the need for entry-level intake has fallen off in the economy generally, and this—together with continued growth of interest in Federal employment—has brought about increases in the numbers and quality of eligibles on civil service registers.

Demands of the Tenth Decade

In view of the current employment situation and what we foresee for the future, it is significant to look at what is being done to assure that the demands of the tenth decade in recruiting will be met.

☐ Building on the area office network, we will be in touch more continuously, more effectively with college placement offices and other manpower sources—and their clients—to provide the right information to the right people at the right time.

☐ Manpower needs forecasting and planning for staffing programs will continue to improve, with the resulting information made available to educational institutions through the new Commission newsletter, *Trends in Federal Hiring*, through area offices, and through Government/college councils and similar organizations.

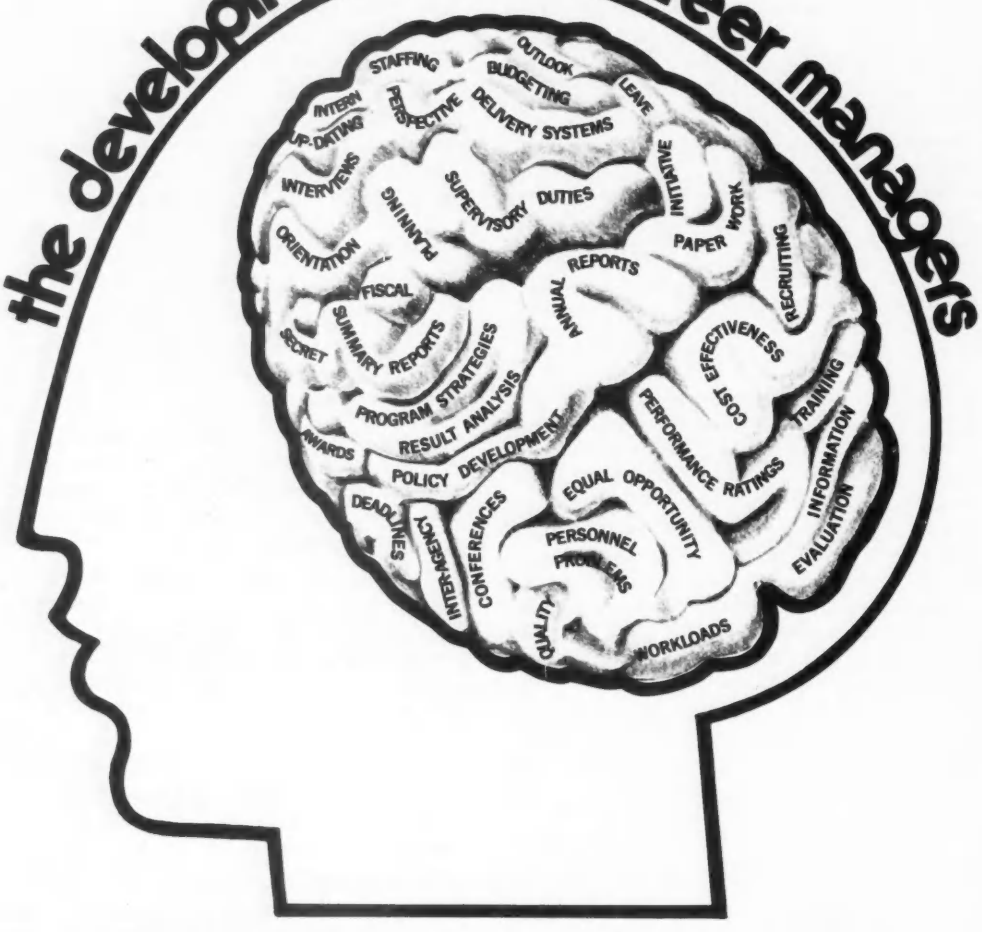
☐ Cooperative activities tailored to specific situations—involving schools, the Commission, employing agencies, and increasingly, State and local governments—will grow apace.

☐ There will always be a significant agency role because in the recruitment perspective the Government is not a single *thing*—it is a collection of diverse and somewhat autonomous organizations with different missions, having different needs, and offering different opportunities.

By getting more and better information to those who need it, by getting it to them sooner, and by working in concert with all the parties involved so that their needs and requirements are fully taken into account, the Federal Government and the merit system will keep doing the job it has been given to do. Part of that job is to meet the needs of a democratic society for a competent, responsive, representative work force to do the things that people want their Government to do.

—Merle Junker

the developing role of career managers



by **BERNARD ROSEN, Executive Director, U.S. Civil Service Commission**

EVERYBODY KNOWS that bureaucrats do not rob banks or hijack planes. Last year, when a man characterized as a bureaucrat did rob a bank and did hijack a plane, reporters for all the media knew that here was a classic news story, a big one.

Bishops, Bankers, and Bureaucrats

The general public does know some relative truths about public executives and holds some authentic attitudes toward them. When Franklin Kilpatrick, then at the Brookings Institution, polled public attitudes on this subject, one of his findings was that when it comes to probity and general propriety, Federal executives are in a class with bishops and bankers in the public mind.

Much more information than that about Federal executives and other public career managers appears to escape the public. The role of career managers also continues to miss other large groups who have perhaps an even more critical need to know, such as teachers and educators, some elected and appointed officials, and public employees themselves, including those who will and will not become career managers.

"Critical need to know" is hardly an exaggeration. For any government to continue to function well, particularly a democratic or representative government, there needs to be a measure of understanding among the citizens and the officials about how the system operates and what the roles are, at least of the key operators.

Importance of the Role

The part played by career managers is becoming increasingly important, and this fact has begun to receive attention only in the recent past. Scholars in the disciplines relevant to American government gave hardly any study to this role in the 19th century, or even 50 years ago. The stage was still empty and dark when John J. Corson entered with his enlightening little book, *Executives for the Federal Service,* in 1952.

Even in 1957, when Paul David of the Brookings Institution and Ross Pollock of the U.S. Civil Service Commission collaborated to produce a research-based book called *Executives for Government,* the bibliography they could assemble on this subject was notably sparse. Back then, less than 20 years ago, those who characterized the role of career managers as important to the quality of life in America were regarded as messiahs who had let enthusiasm for their creed distort their perception of the players.

Even so, more and more attention was coming. The White House—in President Eisenhower's second term particularly—and the Civil Service Commission stressed improvement of personnel management at the executive level, and began to foster executive development activities in the departments and agencies. Staff college plans were developed and discussed, the Government Employees Training Act was being conceived, and giant foundations were beginning to fund research and demonstration projects dedicated to improving public managers and to widening public awareness of the importance of their role.

Presidential awards have gone to scores of career managers, Rockefeller awards for public service have been given, Nobel prizes have been won, the Moon itself has been trod upon. But the work of career managers is still veiled to most.

The Commission Has a Good View

As Executive Director of the United States Civil Service Commission, I am doing not a new thing but one that is becoming customary as I call attention to the role of the career manager and to changes coming in it. Since the early 1950's every Chairman and every Executive Director of the Commission has written and spoken with high concern on this subject. And it is essential that we should. Until better understanding is achieved, we should continue to speak, hopefully with new insights to match new needs. Not only do we have responsibility, but also we have a special vantage point for viewing what career managers are doing now and will be doing in the near future.

I am not alluding just to the supergrade positions we must compare and classify, or the Federal Executive Inventory which contains information about the career of each of 37,000 Federal managers. As priority programs loom, rise, and recede in favor of new ones, we consult with agency management about the shifting problems of personnel management that these changes may entail. In these various ways, the evolving role of the career manager is continuously in our sights.

Stable Elements in the Role

One of the best known elements in the career manager's role is that of helping to maintain the continuity of essential public programs and services. Laws and Executive orders must be carried out even while political leadership is changing. Beyond that it is up to the career manager to contribute to the perspective on longitudinal programs that stretch far back and may go forward through many changes of administration.

This is a fundamental reason why in our national system he is supplied with comparative longevity, or tenure. Program planning, annual and long range, has got to be his concern. Continuing attention to the development of coming teams of responsive civil servants, equal to future program needs, must also be part of the career manager's concern. While appointed officers and non-career managers have responsibility for such matters, understandably many concentrate to a greater extent on close-in targets, lest time run out before they can achieve specific goals.

Another inevitable responsibility associated with causing the machine of Government always to operate, as required by law, is for the design and redesign of processes that serve the people. While it is the political leaders who decide, for example, that the national delivery systems should be coupled with State and local apparatuses, the career manager has a significant role in making it work, sensing the customer's reaction, evaluating the program's results, and reporting what has been accomplished, what alternative next steps are feasible, and the likely consequences of such next steps.

Poor management can make good policies, clear responsibility, and adequately funded programs look bad; and of course superior management can at least minimize the infirmities of poorly drawn policy, ill-defined responsibility, and insufficient funding.

Career Manager an Initiator

We have noted the tendency of the role of the career manager to remain opaque. One reason is that part of the action is played in a zone that is usually blacked out on the public tube. It almost has to be by its very nature.

The zone I am referring to, of course, is the sensi-

tive interface between the top career team and the appointed political leader or leaders in the Federal agency. This is where the machine's gears function. The meshing has to be fine in order for the machine to respond with prompt high-quality program delivery. For what part of this crucial connection is the career executive responsible? On this point there is considerable misunderstanding, even extending to some career managers themselves.

Somewhat as in other rigorous activities, the finest responsiveness of the career team is frequently a function of how much initiative it evidences at the beginning or upon the appointment of new political leaders to the agency. The careerists' full role must be to step out smartly, not just wait expectantly to be rung for service, and the reason this is true rises right out of the realities of the situation.

The Federal agency is typically big, and complex in many ways. One way it is complex is with regard to the subject matter of its programs and the disciplines and technologies upon which its programs depend. Within the professional and administrative staff, it may very well possess knowledge and competencies that exist in few if any other institutions or organizations anywhere else in the national community.

The career staff also may have had the most intimate experience in contact with the tastes and tolerances of whatever publics or interest groups comprise the environment of the agency. It is not realistic to expect the new arrivals upon this big and complex turf, even though they do come as leaders and, of more importance in the larger sense, with a new mandate from the people, to bring with them all this knowledge and insight.

It has to be the role of top career management to introduce itself and to inventory the resources the agency possesses, particularly the talents and potential possessed by its key staff members and specialty teams that can help the new leadership fulfill its responsibilities and achieve its goals. But for such helpful initiative from career management, the new officers might lose priceless time finding out for themselves what successes and what non-successes could reasonably be expected from the employment of the resources the agency comprises. Such initiatives must widen rather than limit the policy, program, and priority choices and the potential impact of political appointees.

Goals must be known before there can be talk of achievement, and these are not to be decided by career managers. Nevertheless, career managers will have had almost unmissable opportunity to anticipate correctly what will be at least some of the goals the incoming leaders will rate as important. One reason the new policy group has arrived is because they have succeeded over preceding weeks in presenting most clearly to the electorate, including the customer groups and special interest groups touched by the agency's policies and programs, what their most important goals are going to be, once in office.

Perceiving these clues and feeling them through the pulses of the public groups the agency touches, the career managers are quite able, without being told, to begin thinking about the agency's resources, particularly its human talents and its systems in relation to the kinds of goals they can foresee being established. The most meaningful way for them to present the resources and human talents of the agency is to array the alternative programs or projects by which they can best address the new goals.

It is when the career managers are taking such initiatives early in a new phase, by showing the potential of the agency's accrued assets in the form of alternative programs or strategies for achieving the new goals, that they meet the essence of their continuity role. In this way they can help fresh political energy and direction to flow most efficiently through the power train of Government. There is much more risk of gear-clashing and time lost if newly appointed leaders, because of undue reserve on the part of the career managers, have to explore by themselves all program alternatives and feasibilities.

The Careerist as a Political Being

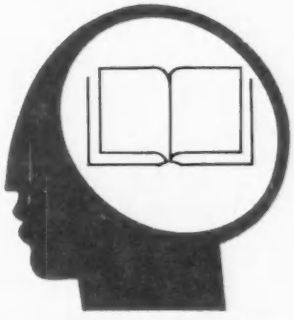
The foregoing discussion makes it rather clear that the career manager must be equipped with acute political sense organs. For the career manager, political sensitivity is in the context of policy, not partisan politics.

It is the continuing responsibility of career managers to administer changes in policy through changes in program. Policy issues are inherently controversial by their nature. When a different view prevails through the democratic process, programs change as a result. The changed program must be administered not just in relation to those in the electorate who sought the change but also for those who may have opposed it, sometimes bitterly though unsuccessfully. They who lose also continue in our society to enliven the lives of career administrators.

Role Presupposes Competence

It is no coincidence that Federal career managers as a group compared to other manager groups in the national community have quite high academic achievements—though, as we have noted, they have to acquire certain understandings not usually learned in school. Almost all have graduated from college, and at least one out of four has a terminal professional degree such as a LL.B., M.D., or Ph.D.; many have degrees in more than one discipline, and some have post-doctoral work in one or more fields.

The positions of most require substantial professional and program knowledge—continuously updated knowledge, of course, for it is not academic degrees but convertible knowledge that counts. The Federal career manager typically has entered the Government as a specialist (attorney, medical doctor, engineer, physical scientist, social scientist, mathematician, accountant, educator, etc.) and has learned to be a manager while keeping abreast of developments in one or more professions or scientific fields.



Ability to keep on learning and a taste for change are requisites. The role is always changing, taking on new features or dimensions. Consider some of the change factors now at work, not to mention exotic or shocking future possibilities. Factors at work on the role of the career manager include intergovernmental developments, changes in social values reflected both in the work force and in the customer publics, the spread of collective bargaining, the continuing intrusion of the helpful but demanding management sciences, to name a few. It would be too much to go into all these now, but let us look quickly at one or two.

Collective Bargaining

At all levels of government public employees are demanding the right to participate, through their labor organizations, in the determination of personnel policies and practices affecting their wages, hours, and other terms and conditions of employment. The number of union members in government and the number of government workers represented by exclusive labor organizations have skyrocketed in the last decade.

One unit of government after another, by law or Executive order, has established collective bargaining procedures to provide for the orderly and expeditious channeling and resolution of conflict. While the collective bargaining mechanisms now being established in public agencies have borrowed from the 40 years of experience in problem solving under the National Labor Relations Act, the policies and practices being developed are for the most part designed to operate in the unique environment of the public service.

Growing unionization in Government is already having a substantial impact on the career manager. Collective bargaining calls for doing business with a labor organization. With an exclusive union on the scene, the manager negotiates many changes in personnel policies and practices and matters affecting working conditions, and under certain circumstances even wages and other terms and conditions of employment; and the area for bargaining is growing.

The manager's responsibility is to manage, to accomplish the agency's mission effectively, efficiently, and economically. The manager needs to enlist the support of the labor organization to improve employee performance and increase productivity. This is an undertaking of primary importance and lasting significance. The labor organization represents all of the employees in the bargaining unit on matters of personnel policy and practice.

The challenge is to succeed in using the collective-bargaining process to insure working conditions that are fair, and at the same time establish positive and constructive relationships, through which even more effective and efficient government can be provided; and in the resolution of conflict the public interest must be paramount.

Changing Values Among Employees

As individuals and as organized employees, people are showing up in public and private jobs with more assertive attitudes. Many young employees keep clamoring for more meaningful assignments (Relevance, Relevance, Relevance!).

Women no longer are willing to feed the male ego by underachieving. Minority-group members are striking back at old-way thinking which frequently locked them into low-level, mundane, or unrewarding jobs.

Today's manager, public or private, needs to be aware of the tremendous upheaval in the way minorities, women, and young people view themselves in society and in the work force. A clear perception of these changes is needed in order to have any chance at all of making the adaptations necessary for successful program administration during this period of changing social values.

The career manager must search for ways in which all employees can achieve legitimate individual goals while at the same time achieving the mission of the organization. Fair and equal opportunity for all employees is, in fact as well as in theory, an inherent part of each career manager's mission responsibility. It is the essence of the merit system.

Intergovernmental Systems

The changing role of the Federal Government in relation to State and local governments is bringing changes in the career manager's role. In recent years, the realization has grown that State and local governments cannot continue to rely so heavily on the Federal Government for solutions to the complex problems they face. They themselves are often in the best position to determine their needs and to take steps to meet them.

Consequently, emphasis is being put on improving the capabilities of State and local governments to develop and administer programs appropriate to their needs. A genuine effort is underway to return to the States and local governments some of the decision-making power which over the years has become concentrated in Washington, D.C.

The Federal Assistance Review program spearheaded by the Office of Management and Budget, for example, is one evidence of this new attitude. One of its goals is to decentralize the grant-making apparatus of the Federal Government as much as can be done consistent with efficient administration.

This means delegating to regional and local offices much of the decisionmaking powers for grant programs and involving local officials and citizens in the total grant process whenever possible. The result is a strengthening of State and local governments and better quality service to the public. Revenue sharing is one logical extension of this idea: It provides State and local governments with the money necessary to carry out programs which they themselves have determined are the most needed in their area.

Rather than having the responsibility for directly running programs, the Federal manager's role is more frequently becoming that of developing general standards and guidelines, providing technical assistance when it is needed, evaluating State and locally administered programs, and acting as a clearinghouse so that State and local governments can learn from the experiences of one another.

This new role calls for new knowledge and revised attitudes on the part of Federal career managers. They must learn more about the ways in which State and local governments function and the problems they face. They have to develop different modes of communication since their role now is more often to advise rather than to direct. They must believe in the ability and reliability of their counterparts at the State and local level; they must see their accomplishments as products of a true partnership.

Can Requirements Be Met Realistically?

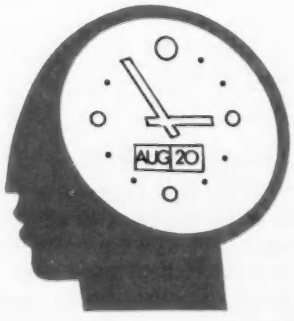
Just the requirements of the career manager's role we have touched on here may seem somewhat overwhelming. So much to be learned in long professional education, and so much more from experience and continuing education. Most all agree that the central and irreplaceable source of management development is experience in increasingly difficult and responsible work.

There is so much to be learned from experience and a limited number of years in which to do it. Not just any experience; it must be a sample of work experiences that teaches the most important and valid lessons. The critical thing is to distinguish between many years of experience and one year's experience repeated many times.

To gain perspective, the developing manager will do well to handle responsibility in a sequence of different and progressively difficult roles during the period of his life when he is learning best, say 15 or 20 years. How many different roles, how many different positions does he have time to work in—five, seven, nine? Whatever the number, it can only be very small in comparison to all the diverse operations in even one complex agency.

And what about obsolescence? That which is learned even by good experience may go out of date with time, just as professional education does. The manager in Washington who had experience dealing with certain problems in a field installation 15 years ago may find himself handicapped by a need to unlearn what had seemed to be valuable lessons from his early experience.

We get the most from work experience by increasing the learning opportunity through means of various artificial add-ons, such as internships and fellowships with rotations through several assignments in one or more



agencies, and executive mobility and exchange programs providing several perspectives on a complex scene in a comparatively short period of time. It is sometimes difficult, however, to endow such artificial assignments with real responsibility, and this is the best teacher.

Since there can hardly be time for quite enough real experience, simulated experience is sometimes a practicable substitute. One advantage is that critical incidents or particularly significant experiential events can be chosen, like replays of interesting minutes from an overall unexciting contest. The array of simulation tactics is endless, ranging from the case method, through work projects and in-box exercises, to computer-assisted management games which provide practice in decisionmaking with impunity but with meaningful evaluations.

Ability to learn vicariously from the experience of other men and women is perhaps the saving factor for the developing manager. Training not only undertakes to augment one man's experience with that of thousands, but it can sometimes enrich one's own experience by supplying interpretation and generalization to that which has been directly and vicariously experienced, transforming what he has learned into transferrable insights and techniques.

With the best of experience and training, however, it is hardly possible for one executive in the complex systems of today to be able to internalize all of the qualifications required of top management. It is feasible, however, for all requirements to be possessed or at least approximated by the agency's management team. Individual management members may be specialists with different contributions, but all have an understanding of the whole which they share as a team.

Bigness and Complexity

Bigness and complexity of organizations have been decried during recent years in what may prove to have been a lopsided view of our culture and institutions. Too many young men and women have looked back to the sentimentalized simplicity of the small farm and small town. Science and technology have been seen too much as dehumanizing and large organizations as necessarily hostile to the full development of the men and women comprising them. We may now have passed through the epoch of the cop-out. We may now be entering a more balanced period when it can be seen that big and complex systems are not all bad. It takes systems that are big and complex to deal with problems of environment, urban transportation, health and education, as well as production, distribution, and banking.

Most indicators of change point to larger, more technological, and more complex public and private systems. In well-developed economies, a larger proportion of the workers are managers and professionals than in underdeveloped nations where most are unskilled. Similarly, in developed countries such as ours, the big complex technological systems require a greater proportion of managers and professionals than smaller, simpler systems do.

The more complex the system, the larger is the proportion (not just the absolute number) of its members who make professional contributions and participate in policy formulation and decisionmaking. Participative management, in this relative sense, is coming less from behavioral science theory than from the intrinsic requirements of bigness and complexity.

This is the context of the career manager. More complex configurations, more intergovernmental formats, more delivery through nongovernmental agencies, more alternative approaches, more options for action, more choices of projects and methods, more impingements, more opportunities for contribution toward national purposes. The personal and professional demands fostered in this league are not at all to the taste of every man and woman.

This is not the place for those who shake at the prospect of the future.

This is not a compatible career environment for those who would look back or move back from today's action, nor for those who see only evil in computers and electronic communication, as their ancestors saw the devil in the printing press when the Renaissance was beginning.

This is not the decisionmaking league for those who prefer wide choice to be aborted by limited alternatives.

This is not the role for those who are ready to stop learning, and have no stomach for further change.

This is the role for those who are challenged by change; this is the role for those who expect more of themselves than does anyone else; and this is the role for those who have an unqualified commitment to the public interest and deep pride in serving as career managers. #

SPOTLIGHT ON LABOR RELATIONS

As labor-management history is measured, the Federal program is relatively young. In fact, the Government-wide experience under Executive order is just 11 years old.

And yet, even though it is an essentially modern phenomenon, the pattern of Federal labor relations is cut from an evolutionary fabric:

In 1962, when the program was established by Executive Order 10988, its administrators were concerned primarily with defining and safeguarding the respective rights of Federal employers, labor organizations, and employees. It was a beginning, in which management continued to hold the last word on personnel policies and practices and matters affecting working conditions.

In 1970, with the advent of Executive Order 11491, there emerged an elaborate system of third-party authorities to oversee program administration and to provide a forum for reviewing charges of failure to respect rights or obligations carried over and amplified from E.O. 10988 days. By this device, management no longer had final say on many personnel policies and practices.

In 1973, the major item of labor relations business for Federal management is the organization of its own structure and operations for meeting its responsibilities under the program—a process officially inaugurated in September 1972 at the President's direction. Growing decisionmaking by third parties, dramatic extensions in the geography of union recognition, and changes in the climate for bilateral dealings—all are contributing to this developmental process.

On September 6, 1972, the President directed the Civil Service Commission in conjunction with the Office of Management and Budget to issue guidelines for enhancing Federal management's capability to operate successfully in a bilateral setting. Notably, he reaffirmed his administration's support for collective bargaining—calling good labor-management relations as much a part of overall managerial responsibility as is accomplishment of basic mission.

Just a week later, on September 13, CSC and OMB released "Guidelines for the Management and Organization of Agency Responsibilities Under the Federal Labor-Management Relations Program." They are a blueprint for planning and structuring at all levels of management to deal more effectively with bilateralism in personnel affairs. The emphasis is not on avoiding bilateralism, but rather, on accepting it and learning to cope with it in the interest of employee well-being and increased efficiency and effectiveness of Government operations.

As was the case with the Presidential directive that inspired them, the guidelines are addressed to heads of Federal departments and agencies—focusing top management attention on labor relations as a first-team concern. At the same time, the guidelines look to a total integration of labor relations responsibilities in personnel management. And they underline the need for both line (operating management) and staff (administrative management) input, authority, and responsibility in this bilateral dimension of personnel administration.

The guidelines call for sufficient planning and resource development to fulfill management responsibilities under the labor relations program. Here's how—

☐ Issuance of a written statement on labor relations policy and philosophy by the chief management official at each key level. This is designed to meet two ends: (1) outwardly, to let members of the management team, and all employees as well, know what key officials believe in and what they expect—including acknowledgment of and support for the program of bilateralism; and (2) inwardly, to let all members of the management team—after full consultation with them—know what position top management takes, and what limits it sets on major issues.

☐ Development of management objectives in labor relations—both in the short run and over the long haul.

☐ Provision for adequate budgeting and training for labor relations—dollar and manpower resources allotments.

☐ Preparation for negotiations, keyed to sufficient advance planning and coordination.

☐ Evaluation by the agency itself of how performance is matching its objectives and of its efforts in training and negotiations.

Acknowledging the wide diversity of agency situations at varying stages of program development, the guidelines feature a built-in flexibility designed to fit a broad range of program requirements. And CSC through its evaluation process, along with OMB in its regular budget review, will periodically analyze agency performance in labor relations.

In large measure, Federal management's relationships with unions are shaped by its own perception of responsibilities under the Government-wide labor relations program. Properly viewed and appropriately pursued, these relationships point the way to better public administration.

This is the why and the wherefore of the management function in bilateralism—the need to provide employee input to decisions affecting personnel and, where employees choose to deal collectively, the need to build sound and constructive relationships with exclusively recognized unions. In plying its responsibilities in this context, Federal management should be mindful that the bilateral experience is a rich blend of the old and the new: It is as old as human aspiration, as new as man's imagination. —*Tony Ingrassia*

A VIEW from the HILL

by JOHN H. MARTINY
Chief Counsel
Committee on Post Office and Civil Service
U.S. House of Representatives

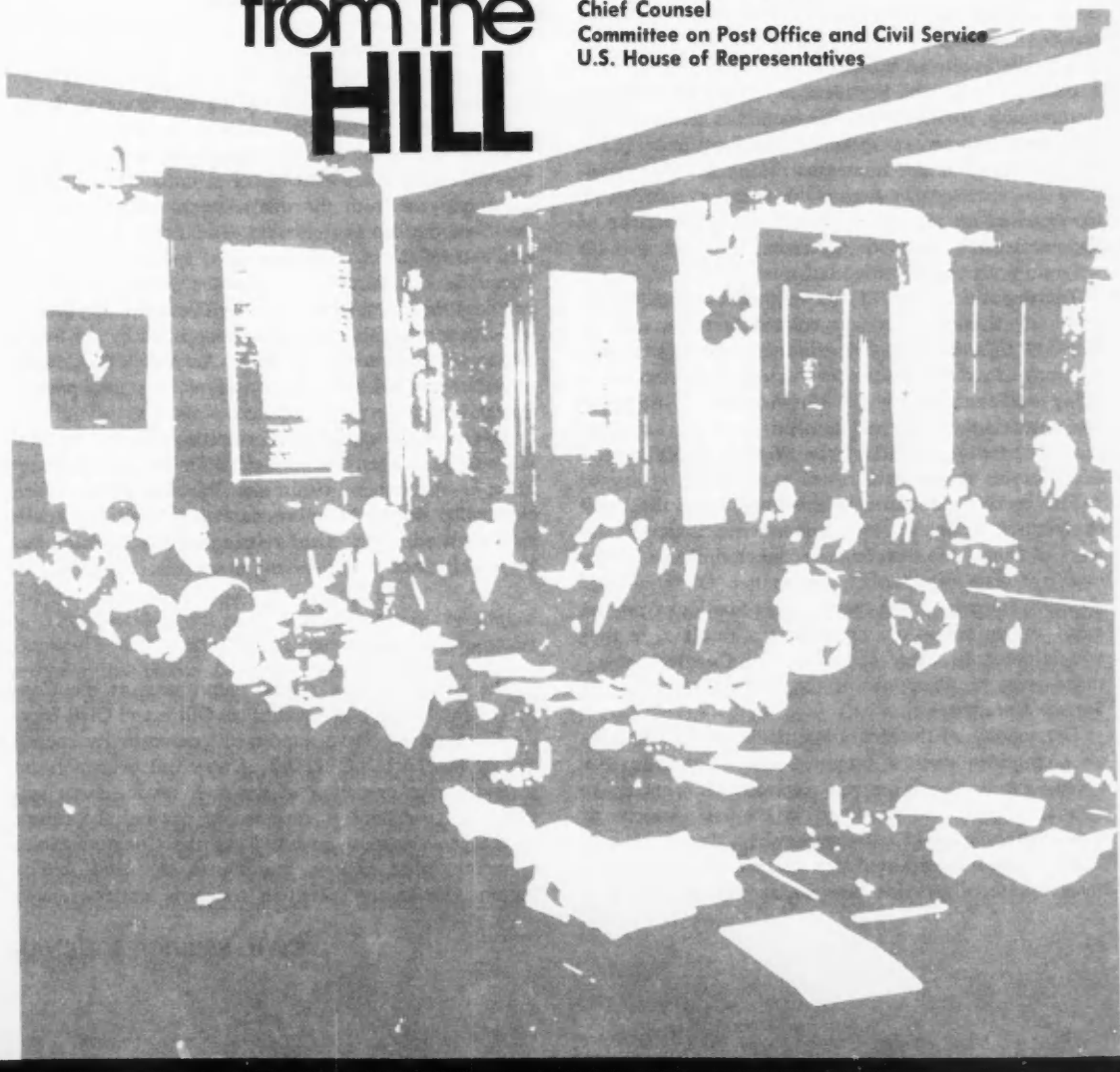
OBSERVANCE OF THE 90th ANNIVERSARY of the Civil Service Act of 1883 calls for a sober consideration of the role the Congress has played with respect to civil service in recent years. Putting it bluntly—has this role helped to improve the civil service system, or has it tended in the opposite direction toward the beginning of a return to the spoils system?

The 1883 Act outlawed the spoils system, the corrupt and discredited system of filling government jobs on the basis of political influence and without regard to ability to do the work. Two major features of the Act were to establish the merit system itself, and the Civil Service Commission to administer it.

In the 90 years of their existence, the principles established by the Act of 1883 have been expanded and actually have accomplished much more than originally thought possible.

Working from the merit principles of hiring as a base, we have been able to build a Federal personnel system which goes beyond considerations of competence and integrity on the job. The people who work for the Federal Government today are a group whose initiative, inventiveness, and imagination have added immeasurable strength to this country's elected leaders and policy officials in meeting and answering the awesome challenges that face our Government and people today.

Recent improvements in the civil service system show that the system is vital and ever-expanding. They include the assurance of equal consideration of women in filling government positions (Public Law 92–187); a highly significant Federal salary reform law (Public Law 91–656); the Intergovernmental Personnel Act of 1970 (Public Law 91–648) strengthening personnel administration at State and local levels and authorizing



State and local government officials to participate in Federal employee training programs; and the Equal Employment Opportunity Act of 1972 (Public Law 92–261) giving the Civil Service Commission increased authority to enforce the provisions of the Civil Rights Act as applied to Federal employees.

Merit System

Generally speaking, the statutory merit system established by the Act of January 16, 1883, or the "competitive service," as the system is now defined by current law (5 U.S.C. 2102(a)), covers a majority of all civilian positions in the executive branch. The original Act applied to any officer or clerk appointed, employed, or promoted later than 6 months after the date of enactment unless it was shown that the appointee was specifically exempted from the Act.

The same principle applies today since the system still does not apply to positions which are specifically excepted by or under law. The law (5 U.S.C. 3302) authorizes the President to prescribe the rules for necessary exceptions of positions from the competitive service. In addition, whole groups of employees are specifically exempted by statute.

Exemptions by the President or by the Civil Service Commission, to which the President has delegated the necessary authority to grant exemptions under Civil Service Rule VI, are numerous. Many of the exemptions are necessary to permit the flexibility needed by the head of an agency to make a limited number of appointments, political or otherwise, to assure that his program policies are carried out.

These positions are of a confidential or policy-determining character and are commonly referred to as Schedule C in the case of positions in GS–15 and under, or noncareer executives in the case of employees occupying positions above GS–15. A current listing of these positions, which is compiled every 4 years, has recently been assembled by the Senate Post Office and Civil Service Committee.

The number of positions exempted from the merit competitive principles by administrative action is always of concern to the congressional committees having oversight responsibilities for this matter. Of far greater concern, however, are the statutory exemptions from the merit system which are enacted as a result of legislation initiated by other committees of Congress, many times over the objections of the Post Office and Civil Service Committees.

The concern of the House Post Office and Civil Service Committee over a proposed exemption from the competitive civil service was expressed in connection with the legislation, proposed in the last session, to establish the Federal Executive Service.

The Federal Executive Service legislation would have made a clear distinction between executives who have a career commitment to the Federal service and those who serve only temporarily and have a noncareer commitment.

The latter group would have included political appointees below the Executive Schedule levels. Such a theory was not significantly different from the existing practice. However, it was proposed in such legislation to permit not more than 25 percent of the total number of executives to be noncareer executives. Members of the Committee indicated substantial opposition to such a high ratio for this category of executives.

Without citing any of the numerous statutes authorizing exemptions from the competitive system, here is one example of a recently enacted law which exempts approximately three-quarters of a million Postal Service employees from the merit system administered by the Civil Service Commission. The Postal Reorganization Act (39 U.S.C. 410 and 1001) specifically exempts Postal Service employees from the merit system and provides that they shall be in the Postal Career Service in accordance with procedures established by the Postal Service. Other provisions of the Act (39 U.S.C. 1002) prohibit political influence from playing any part in Postal Service personnel matters.

Several Members of the Committee felt that the provisions enacted left the way open for the establishment of a spoils system within the Postal Service, which eventually would be more damaging than the spoils system based on political recommendations prohibited by the new Act.

Legislative Review

The two legislative review committees of the Congress—the House and Senate Post Office and Civil Service Committees—have a primary responsibility spelled out by law (2 U.S.C. 190d) of watchful oversight and review of the operation of the civil service merit system. This oversight is designed to prevent the return of the spoils system, and to keep the Congress aware of many other matters relating to the civil service system. One major exception concerns matters related

to the Hatch Act, which in the case of the House come before the House Committee on Administration.

The House Post Office and Civil Service Committee during the 92d Congress initiated a thorough review and study concerning the development of what some consider a new spoils system. The area of study involved is most comprehensive, and eventually may cover the whole gamut of Civil Service Commission operations. Initial reviews are being conducted on:

☐ Preferential hiring practices involving retired military personnel;

☐ Use of experts and consulting firms and contracts for services in lieu of merit system employees; and

☐ Examining procedures for the merit system.

Preliminary hearings were held in October 1972, and the reviews are continuing.

An illustration of how the Committee responsibility over the merit and civil service systems is carried out arose early in 1972 when the Honorable Thaddeus J. Dulski, Chairman of the House Committee on Post Office and Civil Service, found it necessary to caution the chairman of each of the House congressional committees against reporting to the House for consideration legislation with provisions that conflict with, or include exceptions to, the statutory standards, controls, or limitations relating to the civil service system.

The letter from Chairman Dulski to the Honorable Carl D. Perkins, Chairman, Committee on Education and Labor, is typical of the letters sent to each chairman of the House committees. The text of the letter follows:

"The Members of our Committee are becoming alarmed over the increasing number of bills that are reaching the House floor for consideration with provisions that conflict with, or include exceptions to, the statutory standards, controls, or limitations relating to employment in the United States Government.

"As you know, the Rules of the House place the primary and basic jurisdiction with the Post Office and Civil Service Committee over all matters relating to the civil service, including matters relating to the compensation, classification, employment under civil service, and retirement of employees of the United States. Over the years, the standards, controls, and limitations relating to these matters have been spelled out very specifically in the provisions of title 5, United States Code.

"Our Committee has consistently taken the position that exemptions to the requirements relating to appointments in the competitive civil service, appointments to supergrades, rates of pay at a rate in excess of the rate for GS–18, and various other matters relating to the authority to appoint and fix the compensation of employees of the United States Government, should be granted only in the most unusual circumstances and only when fully justified.

"During this session of the Congress, when bills have reached the floor from other committees with such provisions in them, Members of our Committee have offered amendments to strike such provisions from the bills, and in most cases, such amendments have been adopted by the House.

"We appreciate your cooperation in agreeing to the removal from the bill relating to the Higher Education Act, provisions relating to civil service employment which we found objectionable.

"Another example of our concern is a bill reported from your Committee and now pending before the House (H.R. 7130), to amend the Fair Labor Standards Act. Provisions of this bill have the effect of extending the minimum wage and overtime provisions of the Fair Labor Standards Act to Federal employees. If these provisions are not eliminated, they will have a profound effect on the existing statutory system of paying overtime to Federal employees, and, in fact, will conflict with the existing statutory provisions."

The Higher Education Act (H.R. 7248, S. 659, P.L. 92–318) referred to in the letter, originally contained numerous provisions authorizing employment of personnel without regard to the civil service and classification laws. For example, under section 1405 of H.R. 7248, as reported to the House, personnel of the National Institute of Education were authorized to be appointed without regard to the civil service or classification laws, provided that such personnel "do not exceed at any one time one-third of the number of full-time, regular, technical, or professional employees of the Institute."

Most of such provisions which would have permitted a partial return to the spoils system were eliminated before final passage. However, the specific provision relating to the National Institute of Education was retained in a modified form which authorizes the Director of the Institute to appoint, for terms not to exceed 3 years, without regard to the civil service laws, technical or professional employees not to exceed one-fifth of the number of full-time, regular, technical, or professional employees of the Institute (section 405(e) as amended by section 301, P.L. 92–318).

The House-reported Higher Education bill (H.R.

7248, S. 659, P.L. 92–318) contained numerous provisions which actually classified specific positions in grades GS–16, 17, or 18.

The Honorable David N. Henderson, Chairman of the Subcommittee on Manpower and Civil Service, during the debate on a motion to send the bill (S. 659) to conference, commented on such provisions, stating:

"They violate all standards which are prescribed by Congress for the classification of positions and the placing of positions in the supergrades. They do not even permit the Civil Service Commission to determine whether or not the duties of these positions justify the occupants receiving the rate of pay attached to a supergrade position."

As enacted, Public Law 92–318 classifies three positions in GS–18, four positions in GS–17, seven positions in GS–16, and authorizes (section 404(d) as amended by section 301) the Secretary of Health, Education, and Welfare to appoint, without regard to provisions concerning appointments in the competitive service, five technical employees to administer the provisions for improvement of postsecondary education.

The Fair Labor Standards Act Amendments (H.R. 7130) referred to in the letter would have extended coverage of the Fair Labor Standards Act to all employees of the Government of the United States. There are two major features involved—coverage of Federal employees under the minimum wage standards and the requirement that time and a half be paid for overtime work in excess of 8 hours per day.

All Federal employees now receive more than the minimum hourly rate prescribed by the Fair Labor Standards Act, so that such provisions presented no problem. However, most Federal employees now are entitled to overtime under substantially different standards prescribed by the provisions of subchapter V of chapter 55 of title 5, United States Code, as administered by the Civil Service Commission.

The Fair Labor Standards Act prescribes standards for overtime compensation that are substantially different from the standards currently applicable to Federal employees, and the Fair Labor Standards Act is administered by the Secretary of Labor, whereas the overtime provisions relating to Federal employees are administered by the Civil Service Commission.

Enactment of such provisions would have given rise to conflicts in administration as well as conflicts in application. This proposal did not become law during the 92d Congress.

I believe it is fair to conclude that exemptions to the requirements relating to appointments in the competitive service, if not fully justified by unusual circumstances, may indeed have the effect of beginning a return to the spoils system. That is why all such proposals should receive the fullest possible consideration by the Post Office and Civil Service Committees.

Future of the Civil Service System

Congressional action already is mandated and can be expected to be vigorous during the 93d Congress in several major areas. These areas will include the executive pay schedules and the Federal Executive Service; the impact on the merit system of alleged hiring quotas and of union demands, such as the right to strike; improvements under law of labor-management relations; job evaluation and ranking of positions; and employee rights to privacy.

The public dissent of the public employee, and the question of free speech by public employees versus the Government interest, may soon move to the forefront in any list of matters requiring immediate congressional attention. This question was highlighted in the recent United States District Court decision of October 24, 1972, *Wayne Kennedy* v. *Philip Sanchez,* United States District Court for the Northern District of Illinois, Eastern Division, No. 72 C 771.

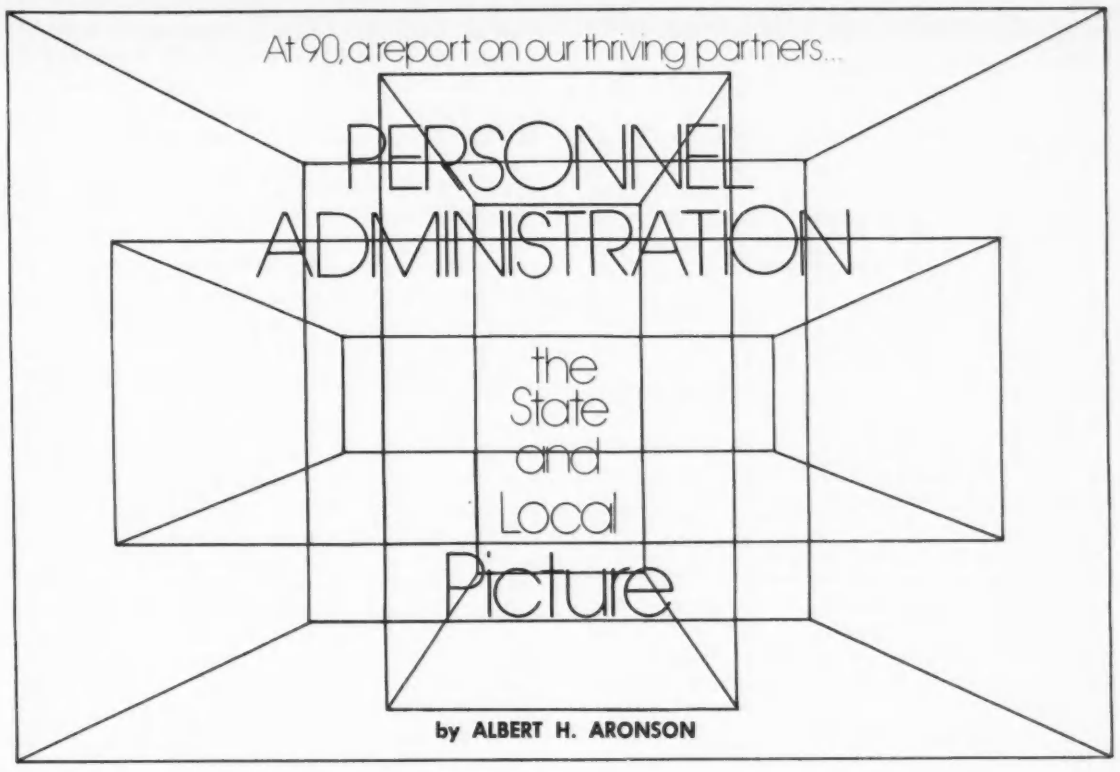
One of the questions raised in that case was whether the pretermination procedure (5 U.S.C. 7501) available to individuals in the competitive service satisfies the requirement of due process. The court held that the provisions of law and related regulations are unconstitutional insofar as they authorize removal or suspension without pay of a Federal employee in the competitive service without a prior hearing in which the minimum procedural requirements are observed—review of the decision of removal by an impartial agency official, opportunity for the employee to present witnesses, and opportunity for the employee to confront adverse witnesses.

A second question was raised as to whether the provisions (5 U.S.C. 7501) authorizing removal of an employee "for such cause as will promote the efficiency of the service" are sufficiently specific to justify the removal of an employee for making public statements critical of his superior. The court held that such provisions and the related regulations are unconstitutional insofar as they are construed to regulate the speech of competitive service employees.

These and related questions will undoubtedly come under congressional review in the current session.

The reviews now being conducted by this Committee have one, and only one, primary aim—to assure the continuation of a strong and effective civil service system.

This objective assures heavy stress on the merit principle, with a minimum of exceptions. Judging from my knowledge of the House Post Office and Civil Service Committee, and the attitude of its Members, I predict that the Committee will continue to make its influence felt on behalf of the system that benefits the public, the taxpayer, and Federal employees alike—the system based on merit. #



by ALBERT H. ARONSON

IN THE EARLY DAYS of the Republic, there was little in the way of full-time employment in State and local governments. In a small scale agrarian society with a moving frontier, governmental functions were limited. In 1790 only 5 percent of the population lived in cities and villages of over 2,500 population. There was a distrust of government stemming from colonial rule, and this was strengthened by the nonconformity of the backwoodsman.

Initially most State and local officials were elected and served part time. Within the first quarter of the 19th century, as population increased and with it the need for more government services, public employment grew and began to be the object of political patronage in the States and growing cities.

In the succeeding half century the spoils approach to State and local jobs became entrenched. In some of the larger cities political machines used public payrolls to gain and perpetuate their power. Large-scale immigration and slum conditions gave opportunities to provide some ombudsman services to the poor, and to profit well thereby.

In the early part of this period there was a disorganized rush on elected officials by a horde of job seekers trying to show their political and job credentials. Varied refinements were added by the political bosses, such as the more systematic apportionment of jobs among city or county precincts without regard to qualifications, the creation of unnecessary jobs, and even the sale of jobs.

After the Civil War, industrial and urban growth required new and expanded public services, in which contracts provided opportunities for large-scale graft. Public employees, if not themselves implicated, might avert their eyes after having been appointed by the political bosses engaged in the graft, and serving at their pleasure.

During the 1870's and 1880's there were, along with robber barons and predatory politicians, some leaders in various States who voiced diverse concerns for ethical standards and honest service to the public. Efforts to establish a merit system in the Federal Government culminated in enactment of the Pendleton Act in 1883. Similar efforts at State and local levels were encouraged

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by attention to the Federal legislation and by its passage.

The first State civil service law was enacted in New York in 1883. Theodore Roosevelt played an important part in the State legislature, and Grover Cleveland as governor signed the bill into law. Massachusetts followed in 1884. For the next two decades, although bills were introduced in several State legislatures, no additional State civil service system was established. There was entrenched opposition, both open and sub rosa.

At the local government level, the first municipalities to adopt a civil service system were Albany in 1884, Buffalo in 1885, and New York City in 1888. Cook County, Ill., was the first county to establish a civil service system, doing so in 1895.

With the turn of the century, municipal reform became an important issue. Public opinion was aroused by the muckrakers, who exposed corruption and spoils in the cities and abuses in State legislatures. State and local civil service systems were advocated in a number of jurisdictions and some were adopted. From 1905 to 1915 eight States passed civil service laws, but shortly one was repealed and one denied funds to operate. In 1920 Maryland enacted a personnel law which for the first time provided for a single administrator rather than a bipartisan commission.

The municipal reform movement resulted in changes in the form of government in many cities. In a number of cities this was accompanied by the adoption of civil service systems during the first two decades of the century. In many cases, however, particularly in the smaller cities, these systems covered only the police, or police and fire departments.

Development of Professional Personnel Administration

Many of the civil service commissions were soon starved for funds. Some were too small to have full-time staff. Some became politically dominated and a front for spoils. Honesty and zeal went a long way to achieve progress by eliminating the gross abuses, but it was not a substitute for adequate personnel techniques.

Technical developments in the 1920's and 1930's, based upon psychological research and industrial engineering experience, laid the ground for more effective and not merely nonpartisan administration.

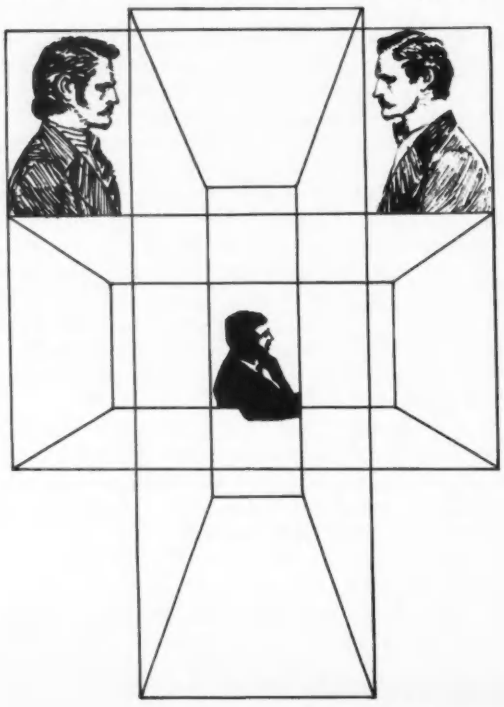
Standardized group testing was effectively used first by the Army in World War I. The Army Alpha test, validated as a predictor of performance, particularly for officer candidates, paved the way for the introduction of group mental ability testing in industry and in civil service administration. State and local agencies had relied on academic written tests heavily and were glad to have more objective devices.

Performance tests had also been used for some types of jobs. The Research Division of the U.S. Civil Service Commission in the late 1920's made an important contribution in development of standardized performance tests for typists and stenographers and general mental ability tests for public service use.

Salary standardization was an early problem. The application of job analysis techniques, developed in industry for greater efficiency, resulted in the establishment of job classification plans. The first such plan was installed in Chicago in 1912, 11 years before the Federal Classification Act was adopted.

State and local salaries were low, but job security and fringe benefits were better than in most businesses. Hours were shorter and there were provisions, not as common in business, for paid vacations.

The first public retirement system in the United States was the police pension system in New York City, established in 1857. The first State retirement system for



public employees was in Massachusetts in 1911, 9 years before passage of the Federal Retirement Act.

Professional personnel development at State and local levels was promoted by the Civil Service Assembly of the United States and Canada, later renamed the Public Personnel Association. It combined with the Society for Personnel Administration in 1973 to become the International Personnel Management Association.

The Depression and Public Employment

The initial impact of the great depression, beginning in 1929, was retrenchment. As tax revenues decreased, State and local governments cut programs and jobs. When State and local emergency relief programs were initiated, they were exempted from civil service.

Turnover in State and local governments was minimal. All jobs were desirable and political pressures for those open were fierce. However, now the pressures were exerted on behalf of the well qualified as well as the marginal and unqualified persons previously proffered by political machines. But political and personal priorities were not correlated with ability, and placements more often than not were made without regard to qualifications.

Some jurisdictions suspended examinations, presumably for reasons of economy. The agencies that held competitive examinations were swamped by applicants. One tendency was to reduce the unmanageable numbers by raising minimum qualifications.

Side by side with abuses of patronage, there was an influx, in a number of States and cities, of able young university and professional school graduates in a wide variety of jobs. They provided many State and local governments, especially those under operating merit systems, with a generation of high ability, hard to replace.

The extension of State merit systems through the Federal grant-in-aid programs has been recognized as a major breakthrough in the field of public personnel administration.

Federal Grants and State-Local Administration

Federal concern with efficient administration in grant programs necessarily involves attention to personnel administration. This has been manifested in a variety of ways. There may be no formal requirements but instead, informal discussions of key appointments and unofficial assistance in recruitment. There may be the imposition of minimum professional qualifications for specified jobs and approval of salary rates. Another way is a systems approach, requiring that there be a State or locally administered merit system which meets Federal standards, and providing technical assistance.

When the Social Security Act was passed in 1935, it included major new grants to States for several categories of public assistance, unemployment insurance, maternal and child health, and crippled children's programs. The Act specifically precluded any Federal requirement as to the selection, tenure, or compensation of State and local employees.

Only nine States at the time had civil service systems and several of them were not functioning effectively. Within the next few years there were reports in a number of States of poor administration in the grant programs—waste, inefficiency, and political use of employees and of welfare recipients.

In 1939 President Roosevelt recommended that the States be required, as a condition for the receipt of Federal funds, to establish and maintain a personnel merit system.

A factor in congressional action was the clash in some States between incumbent Senators and aspiring Governors, in which the latter had the patronage of federally aided programs. The Senate did not regard this as the best use of Federal grants, and voted 72 to 2 for the merit system amendments.

From 1946 to 1970 the Congress has enacted or reenacted merit system provisions for additional or revised programs over 30 times. In addition, several programs were made subject to the merit system require-

ment by administrative action.

In 1940 the Hatch Political Activities Act, restricting political activities of Federal employees, was amended to apply to State and local employees whose principal employment is in a federally aided activity.

Federal-State Merit System Relations

A decade after the enactment of requirements for State merit systems in various federally funded programs, the Council of State Governments prepared a report for the Hoover Commission on Federal-State Relations. It stated: "National insistence upon Statewide merit systems for particular programs has undoubtedly improved the administration of those programs. Experience with merit systems in grant programs has also influenced a considerable number of States to extend these systems to other departments. In addition, many State civil service agencies have been strengthened and revitalized by the [Federal] services rendered them."

In 1955 the Commission on Intergovernmental Relations, established as a counterpart to the second Hoover Commission, reported: "In the case of the merit system requirement . . . the national government has not generally made specific rules on the qualifications, tenure, pay, promotion, and other conditions of State personnel. Instead these details are left to the State wherever it follows the customary practices of a civil service or merit system. Studies made for the Commission indicate that the results of this approach have been generally satisfactory. The Commission suggests that every effort be made to develop similar general standards in other areas of administration, and in program requirements."

In 1969, the Advisory Committee on Merit System Standards in its report "Progress in Intergovernmental Personnel Relations" commented on the Federal-State relationship as follows: "There is evidence that the Federal-State relationship which now exists in respect to merit systems is a fruitful partnership."

The Federal role has involved the development of national standards under the statutory requirements for merit systems in the grant programs, the review of State plans and of personnel operations in relation to the standards, and the provision of technical assistance. The emphasis has been on the last function.

The Federal statutory provisions are in separate titles, applicable to over 300 State agencies and their affiliated local agencies, in various grant programs. These programs at the Federal level are administered in several departments and their constituent agencies. The HEW Office of State Merit Systems was, by interdepartmental contracts, given responsibility for policy development, review, and technical assistance functions under the various titles. The sanctions remained with the granting agencies, but the joint interdepartmental approach was an innovation in Federal-State relations.

Most of the grant programs to which the merit system requirement applied have been State-administered or State-supervised and county-administered. The relations with the cities have not been as significant. In the case of the counties, only a small number have had civil service systems. Other county grant agency employees were placed under State merit systems or under supplemental multi-county merit systems established primarily for welfare, health, and civil defense employees. Some county officials have objected to this special treatment in selection, compensation, and tenure of their county employees in the grant programs. In a few States the Federal requirements resulted in the application to localities of State laws that had not been effectuated.

There have been few Federal-State confrontations in the program. There have been forces for merit in every State and their efforts are sometimes strengthened when they can cite Federal standards in appropriate situations. There have been several instances when Governors and State personnel or program administrators asked for statements of possible sanction, sometimes stronger than could be supplied. The effectuation of the merit system has essentially been by State action with Federal cooperation rather than by enforcement.

The technical services provided to the States and to a more limited extent to local governments changed over the years in response to new problems. It included field consultation on personnel policies and administration, exchange of information on practices, provision of guide materials, and a test service, used at various times by all States and an essential resource for small merit system agencies. Draft rule provisions were found useful to a considerable extent by about 30 States in development of their first rules. Cooperative projects then developed. Recent emphasis has been on equal employment opportunity.

Extension of Civil Service

Labor market conditions in the depression drew attention to public service employment, its opportunities and its abuses. Civil service was a livelier newspaper topic than in the previous two decades.

From 1937 to 1940 10 States enacted civil service laws. Within a few years they were repealed in three States, emasculated in a fourth, and limited to grant-aided agencies in a fifth. Constitutional provisions played an important part in strengthening the merit

system in several instances. In California, after severe budget cuts crippled the system, a constitutional amendment extended civil service coverage and strengthened its organization. In Michigan, a strong constitutional provision was adopted, one unique feature of which was a guaranteed appropriation of 1 percent of payroll. In Louisiana the constitution reestablished civil service and provided that the Governor appoint commissioners from a list prepared by presidents of five universities in the State.

Yet a constitutional provision cannot assure proper and efficient administration, any more than a statute can. It can be some protection against ripper bills. It may also provide a basis for citizen action in enforcement.

There have been great difficulties in attaining consistent local merit system coverage on a State-wide basis in the few States that require it. Sufficient funds have not been generally available to provide adequate service to a large number of small jurisdictions. There may also be pressures against effective administration.

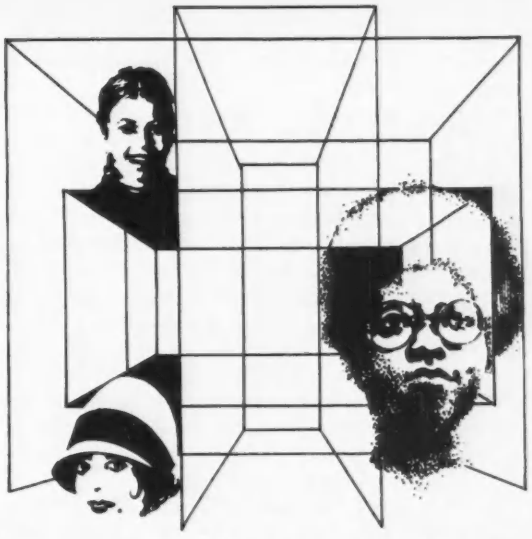
In the 1950's and 1960's there was a steady growth in the number of States that adopted State-wide civil service systems. There were also several States that established a personnel office in the Governor's office or in a department of administration, usually to administer classification and pay plans and sometimes other functions, without extending the competitive service or providing tenure to State employees generally.

Six States passed general civil service laws during the 1950's, and seven during the 1960's. The current total of States with such State-wide systems is 33, leaving 17 States where the merit system competitive service is more limited.

There also has been an increase over the years in the establishment of general municipal civil service systems. There are wide variations in legal provisions, organization, and scope of coverage, as well as in the quality of administration.

All cities with a population over 250,000 except Washington, D.C., which receives some services from the U.S. Civil Service Commission, have provisions for a municipal civil service system. Most cities between 100,000 and 250,000 are under a law, charter, or ordinance for such a system. Many smaller cities also have civil service systems. In a substantial number of them, coverage is limited to the police and fire departments. A few cities have two systems, one general and one for police and fire.

At the county level, there has been less activity in establishment of civil service systems. There are provisions in New York, Ohio, and New Jersey, with



varying patterns, for civil service coverage of counties, and in Massachusetts of localities. A considerable number of California counties have civil service systems. In other States there are only a few, usually the larger metropolitan or suburban counties. There are also a few combined city-county civil service systems.

Variations in Administration

"Personnel systems," says the report *Progress in Intergovernmental Personnel Relations,* "vary in their quality from practical validity to procedural paralysis." There are great differences in the caliber of merit system administration from place to place and from time to time in a given jurisdiction.

There are few if any jurisdictions that have had a consistent level of performance. For example, Albany, the first city to adopt a civil service plan, in later years became a prime example of a boss-ridden patronage operation. Los Angeles, which had public scandals in 1938, within a few years under a reform commission and an innovative personnel director had an outstanding career service.

There are systems providing efficient service using the best available science-based techniques; others with a merit tradition that buttresses mediocre administration; some in a never-ending struggle to maintain competitive entrance; others with narrow, red-taped operations; and still others with a mere facade of merit.

It has been said of some systems, "The only thing that's worse than civil service is no civil service." Yet the net contribution of most systems in improving the quality of service to the public is cumulatively impressive.

The earlier civic leaders were concerned with the enactment of a civil service law, later ones with the

honesty of its administration, more recently with the effectiveness of administration and responsiveness to public service needs.

Sometimes the focus has been on the form of organization rather than on the factors in its functioning. The political and administrative climate varies, so that in some jurisdictions and at some times, the commission personnel board or merit system council may be an important strength, in other cases unimportant. A merit-minded Governor may make progress by supplanting a mediocre personnel director with an excellent one; another Governor may replace an experienced mediocrity with an inexperienced one, or with a wheeler-dealer.

The quality of administration depends upon such factors as top executive, legislative, and public support, broad-gauged personnel leadership, competent professional staff, and adequate appropriations.

At the municipal level many civil service commissions (as well as other types of personnel organizations) have not functioned well. Among the commissions that have not done well, some have been either ornaments on or cogs in the political machine; some others have been conscientious but poorly financed and staffed and not responsive either to political pressures, or more important, to administrative urgencies.

Criticisms have sometimes not distinguished between two different features of the commission organization—the administrative commission versus a single executive, and the independence of the merit system from line control of the chief executive. Examples can be cited to show the strength or weakness of each organization in a particular situation.

Emergence of the IPA

The Intergovernmental Personnel Act was signed into law on January 5, 1971, after 5 years of congressional consideration. It is of major administrative importance in our Federal system, with great potential for improving State and local personnel administration, training State and local employees, and strengthening intergovernmental cooperation in a variety of ways.

The opening declaration of policy in the Act is most significant in its concept of the national interest in effective State and local administration and its statement of relevant merit principles. The Act contains interrelated features to improve the quality of the public service by strengthening the personnel resources of State and local governments and expanding intergovernmental cooperation.

Responsibilities of the Civil Service Commission under the Act constitute a new dimension. The Commission had been administering the huge and complex Federal system embracing several million employees. It now had to be concerned with intergovernmental relations with many hundreds and, potentially, thousands of independent governmental jurisdictions of various sizes, with diverse personnel systems (or lack of system), at various stages of sophistication and effectiveness.

Its new mission generally was to strengthen State and local personnel administration, promoting innovation and permitting diversity. In relation to State and local agencies receiving billions of dollars in Federal grants, it had to apply Federal merit system standards and provide appropriate technical assistance, working with Federal grant agencies to assure proper and efficient administration.

The Commission had new coordinating responsibility with respect to support of training and personnel administration by other Federal agencies. It had new resources to administer—Federal grants for training and personnel administration. It had new potentials for broadened technical assistance, and for cooperation in personnel mobility assignments, joint training, and joint recruitment and examination activities.

To administer the Act, the Commission established a Bureau of Intergovernmental Personnel Programs in Washington and a Division in each regional office. The new organization included the Washington and field staffs of the HEW Office of State Merit Systems, which had administered intergovernmental functions now transferred to the Commission. Decentralization of administration gave regional offices responsibility for contracts with the States and localities to negotiate and pass upon grants and to provide technical assistance and other services.

Forward steps made thus far under the Intergovernmental Personnel Act are described in detail elsewhere in this issue.

While the problems confronting State and local personnel systems are many and difficult, these jurisdictions have made notable progress over the years toward better public service through merit administration.

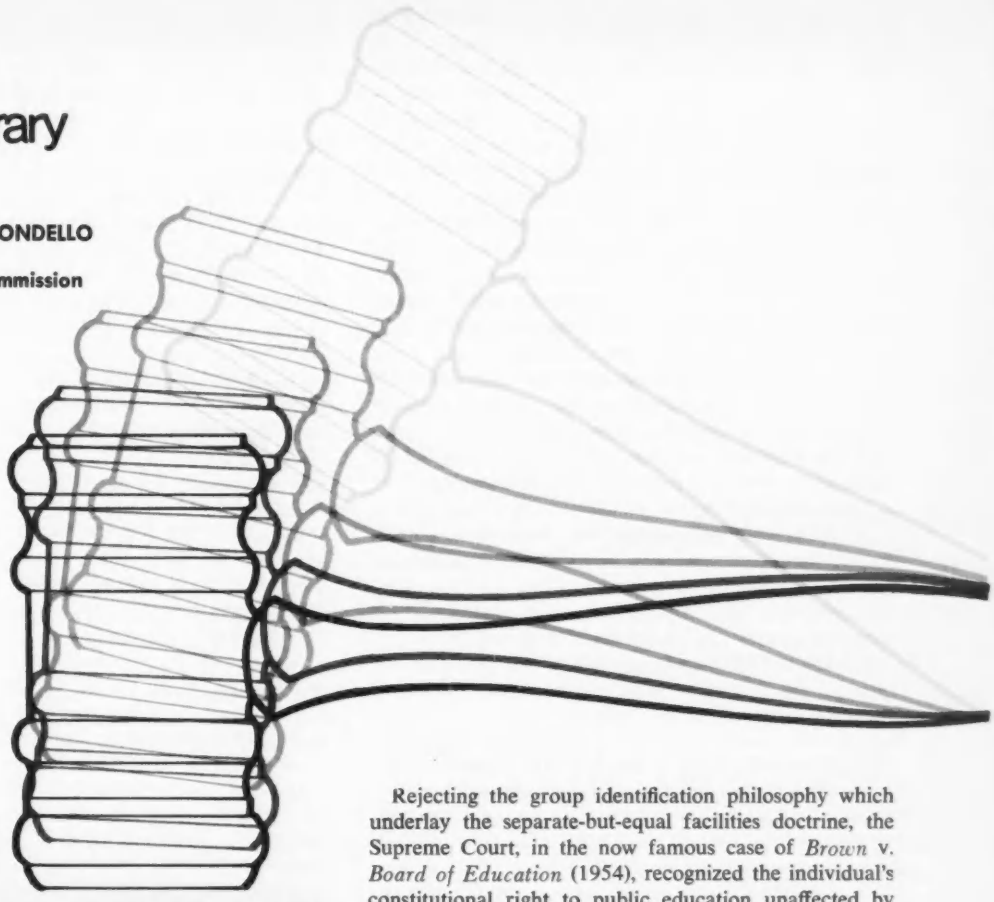
State and local governments face the whole gamut of personnel problems. Political, social, and administrative forces all have impact on public personnel administration, and solutions to personnel problems are dependent not only on sound technical answers but on general acceptance of the solutions.

Since the end of World War II, State and local employment has more than doubled, and it is continuing to grow. While the growth of population has slowed, still our post-industrial, urban-suburban society calls for ever more services—particularly governmental services.

We need now to be concerned, not with the past, but with future progress to translate public purpose into effective action. We have new resources to strengthen personnel systems on a merit basis, adaptive to State and local needs. We have the framework for more extensive cooperative efforts to make personnel administration a bulwark in our Federal system. #

contemporary issues...

by ANTHONY L. MONDELLO
General Counsel
U.S. Civil Service Commission



CIVIL SERVICE and the COURTS

THERE WAS A DAY when the courts were content to give the executive branch wide latitude to determine when it was appropriate to discipline or discharge employees. To the extent that elemental fairness was involved in a case, the courts invariably looked to see that employees were given the benefit of procedures designed to achieve that fairness. For the most part, however, the basic factual merits of controversies between employees and managers, and the range of discipline warranted, were left to the discretion of managers.

Within the past 20 years, the situation has changed dramatically and has kept pace with similar developments in other areas with which the courts are more actively dealing than formerly. This movement or shifting of judicial emphasis has placed its prime focus on enhancement of the dignity of individuals.

Rejecting the group identification philosophy which underlay the separate-but-equal facilities doctrine, the Supreme Court, in the now famous case of *Brown* v. *Board of Education* (1954), recognized the individual's constitutional right to public education unaffected by the color separation previously ordained by governmental institutions. The subsequent involvement of judges in the operation of what formerly were the unreviewed practices of school administrators is too well known to need comment.

Somewhat similarly, the Supreme Court's decision in *Baker* v. *Carr* (1962), which enforced the constitutional requirement for reapportionment of legislatures, overcame the long-neglected dilution of the voting strength of millions of individuals. Again judges became involved with matters which were formerly unreviewed internal affairs—this time, the business of major legislative institutions.

Up With the Individual

The up-with-the-individual character of these developments was somewhat overshadowed by the shock with which they were greeted, since in each case the new ruling was a significant departure from precedent. Hindsight indicates, however, that these changes are of a piece with other developments in which the courts

have been the preeminent guardians of the rights of individuals.

For many years the Supreme Court has been an effective overseer of the administration of criminal justice, an area which plainly puts in contest the rights of the individual against a prosecuting government official within a system that permits denial of liberty as a consequence of judgment. Throughout every stage of the criminal process, the court has established procedures designed to bring to fulfillment the rights granted every person by the Bill of Rights. As a result, indigents formerly unrepresented are now furnished counsel; and coerced confessions and other evidence illegally obtained cannot be used.

As was true in the school integration and legislative representation cases, literally millions of people who had proved unable to confirm their rights, including large numbers who are poor, oppressed, or members of minority groups, have been benefited by these measures.

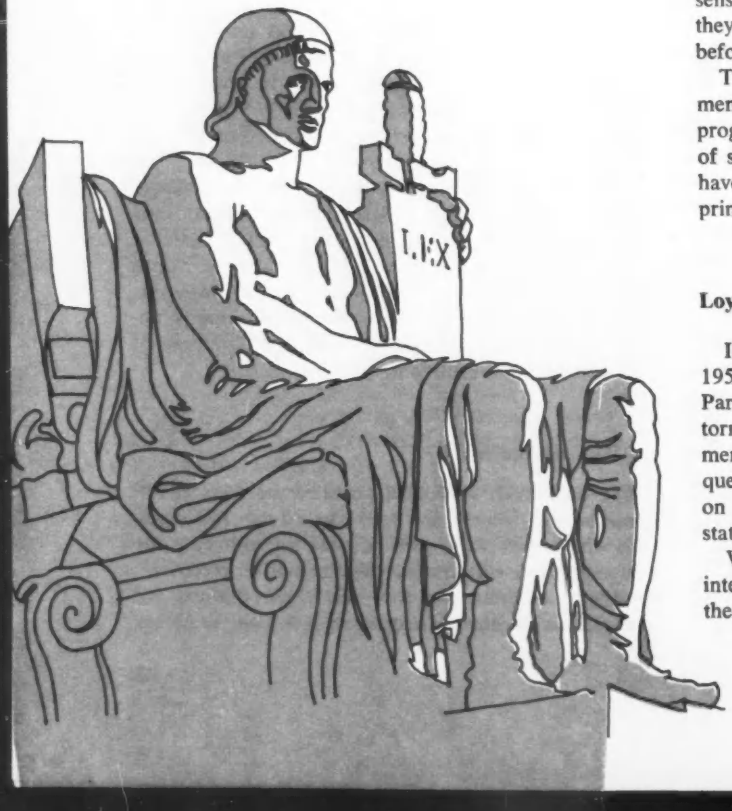
More recently, the courts have applied similar constitutional protections in other situations where governmental decisions severely affect large numbers of individuals whose rights, as a matter of history or tradition, may have been neglected. An example of the trend is found in the recent decision to accord hearing rights to welfare recipients prior to the government's termination of welfare benefits. The courts have been inquiring into other areas formerly placed by Congress within the primary jurisdiction of specific government agencies entrusted with protecting the "public interest" in particular forms of commercial activity.

Thus, the protections afforded consumers by the Federal Trade Commission, and the public at large in the location of nuclear power reactors under Atomic Energy Commission license, have been enhanced by court decree without significant legislative change. This review has even included the activities of the recently established Environmental Protection Agency, which was formed after much of this judicial development had occurred, and the statute for which contained special provisions to facilitate that agency's accountability to the public. And in all these areas the courts have broadened the classes of persons eligible to challenge governmental activity by easing restrictions on the doctrine concerning who has standing to bring legal issues to court.

The collective effect of these broadened judicial interests has been to subject governmental activity of all sorts to challenges which officials cannot ignore, and which require officials to make public justifications of why they act as they do in affecting the private rights of persons subject to their jurisdiction. While complaints are heard of the suffocating effect of protracted litigation on the speed with which government programs can be planned and performed, the case has not yet been made that the compensating benefits of close judicial review are inadequate.

Certainly these developments do not mean that the government is, or should be, powerless to act. After all, the same Constitution which enshrines the personal rights which the courts are protecting established the government to serve the people and to serve them well. The effect on government of these developing judicial requirements is to place an obligation on government officials to achieve a new, higher competence, and a sensitivity to the rights and concerns of the people they serve that has never been known in government before.

The demands are great—and unending. The requirement is always to take that extra step—for that's what progress in this beneficial direction demands. In terms of such progress, it is instructive to see how the courts have been applying to government employee cases the principles described above.



Loyalty

In the loyalty area, the view was widely held in the 1950's that former membership in the Communist Party, or in any of the organizations listed by the Attorney General, automatically disqualified the former member from Government employment. As a consequence, no one questioned the need for signing affidavits on Government forms as to loyalty (as required by statute).

Within the past few years, on the basis of persistent interpretation of First Amendment rights articulated by the Supreme Court, the lower courts have changed

these rules which were seen as cutting too sharply into associational and free speech activity protected by the Constitution. The statute which spelled out the content of loyalty affidavits in terms that condemned "advocacy" of change in government institutions was ruled unconstitutional for vagueness, and for overbreadth in its generality of language which was seen to embrace not only unlawful activity, but protected activity as well.

As to membership in organizations, it has become clear that mere membership, even in an organization having some unlawful purposes, is not enough to disqualify. The significant statutory exception is current membership in a "Communist organization" which, under specified circumstances, disqualifies an individual from holding "any nonelective office or employment under the United States," a provision found in section 784(1)(B) of title 50 of the United States Code. Disqualification from employment ordinarily can be effected only if it can be shown that the member knew of the organization's unlawful purposes and held the specific intent to further them.

The practical effect of this rule is to limit the Government's ability to exclude persons because of their associational activity to those persons against whom unlawful activity can be proved. The benefit to individuals resulting from the rule is that lawful associational activity ceases to be a matter of government concern, so that individuals are freer than formerly to follow their own desires to associate with whomever they choose.

Political Activity

The Civil Service Commission was established in 1883 largely as a reaction to the "spoils system" which used political favoritism as the governing factor in the selection and advancement of Federal employees. The result of this system was a work force which was wanting in integrity and competence, and the merit system was designed to take its place.

Under orders of a succession of Presidents, the Commission attempted to control the campaigning and party management activities of Federal employees in the competitive merit service. By 1939, the vastly expanded Federal work force contained a substantial component of "excepted" employees not subject to these rules, many of whom, in election campaigns in the late 1930's, used their official positions and functions to promote political party success.

Congress reacted by enacting the Hatch Act, which applied the political activity restrictions not only to the competitive service, but to the excepted service as well. By 1947, the Supreme Court had upheld the constitutionality of the Act, which plainly interferes with full exercise of free speech and association guaranteed by the First Amendment.

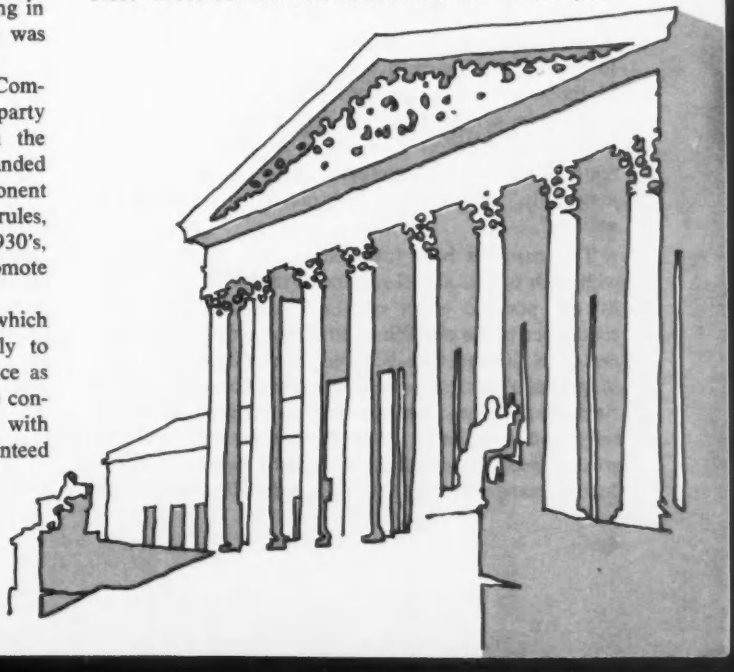
In recent years, persons subject to the Hatch Act have challenged its current constitutionality on the basis of the changing judicial doctrines noted above with respect to associational activity.

Early last year, in a case representing such a challenge, a three-judge Federal district court, with one judge dissenting, found the Hatch Act unconstitutional. The court conceded that political activity restrictions are constitutionally permissible, but found that the restrictions in the Hatch Act are stated so broadly as to leave reasonable men guessing as to what is prohibited. The case has been appealed to the Supreme Court, and since the lower court stayed the operation of its order, the Hatch Act is still enforced.

In the face of challenges such as these, the Civil Service Commission and a special Government commission have studied the desirability of legislative change in the provisions of the Hatch Act. A bill drafted more than a year ago and submitted to all major agencies for comment is currently under revision. Other bills on the subject have been introduced in the last two Congresses without effect. Regardless of the outcome of the case pending in the Supreme Court, there seems to be merit in presenting for reconsideration by Congress the balances it struck in the Hatch Act more than 30 years ago. The problem is not being ignored.

Suitability Standards

Suitability standards are used by the Government to exclude from the civil service any person whose conduct is of such character as to indicate his presence would have a damaging impact on the efficiency of the service. Thus, the regulations permit exclusion from appointment of those who have been fired for delinquency or misconduct, people who cheat on civil service examinations or lie about their qualifications, and those whose conduct can be described as "criminal, in-



famous, dishonest, immoral, or notoriously disgraceful."

It is perfectly obvious that a discretion based on the generality of this regulatory language is extremely broad, but for decades the courts relied on Government managers to make such decisions, reviewing only the procedures which were used to process fairly the cases containing such issues. Over the years the Commission has tried to deal justly with these matters. For example, when it became clear a few years ago that some personnel officers and appointing officials were using information concerning arrests to exclude persons from consideration for employment, even without knowledge of whether conviction followed the arrest, the Commission removed the arrest questions from the application for Federal employment.

On many suitability questions there is virtual unanimity of opinion, in and out of the courts. It takes no great demonstration, for example, to prove to anyone's satisfaction that a person of proved and characteristic dishonesty in his significant dealings would not make a suitable employee. Both the public and the other employees in the work environment can permissibly expect candor and forthrightness in official matters, and no one will credit the claim of the dishonest person that his private acts of dishonesty are constitutionally beyond governmental concern.

In the area of sexual conduct, however, this unanimity of opinion no longer persists, and the courts are bringing the Government's handling of such cases under much closer scrutiny. Less than 5 years ago the Court of Appeals for the Fifth Circuit decided a case involving homosexual conduct by leaving the wisdom of dismissing homosexuals to Federal managers, once the court had found that the procedures followed in the case were proper.

Since then, the Court of Appeals for the District of Columbia Circuit has ruled that homosexual conduct is not disqualifying unless the Government can prove on the record that there is a "nexus" or connection between the employee's personal conduct and his ability to do his job. The court was troubled by the vagueness of the word "immoral" used in the regulations to include homosexual conduct, and pointedly remarked that the Commission "has neither the expertise nor the requisite annointment to make or enforce absolute moral judgments," or to enforce "the prevailing mores of our society."

This case has been followed by most courts dealing with such issues, and Government officials are troubled by the possible effect of these decisions on public confidence in the character and integrity of Government personnel. Other time-honored disqualifications, such as lack of American citizenship, are also under attack. Accordingly, the Commission is studying the entire range of suitability determinations to see whether greater specificity of the statement of disqualifying conduct is practicable, and how the suitability regulations can best be harmonized with constitutionally acceptable notions of the need for efficiency of the service.

Procedures

With all of these changes in substance, the courts have not lost sight of the fact that the best way to insure fairness in the handling of employee relations in a system involving millions of employees is to establish procedures to see that important issues are necessarily faced and squarely decided in such form as to be reviewable by the courts. The Commission itself, without judicial prodding, constantly makes procedural changes in its regulations designed to eliminate the unpredictable and unfair results which occasionally occur in cases which come to its attention.

Plainly, once fair and adequate procedures are established, they must be followed, and the Commission has undertaken the task of protecting the integrity of its procedures. The Commission once held the view that it lacked the power to inquire into the facts when an agency accepted what was, on its face, a voluntary resignation. When such a case got to court, it was remanded to the Commission to hold a hearing on whether an obviously nonfrivolous assertion that a resignation had been coerced was true or not. More recently a district court reinstated an employee who was ordered transferred because his supervisor, who wanted to discharge him, knew that he would resign rather than move to a new job in a distant city.

The Commission currently holds a hearing when a nonfrivolous assertion is made that an employee was disadvantaged for reasons other than those stated by the agency. That is, purported transfers, reassignments, and reductions in force cannot be used as cloaks for adverse actions, which require far more extensive procedures.

As the Commission's Executive Director explained in an article in the last issue of the *Journal,* it is not enough to sit and wait for errors to occur in personnel administration, and then move in to correct them. Our role is to anticipate and prevent maladministration in a changing personnel environment. The message is clear. We deal with the problems of people, and people must be treated decently.

Because the work force is so populous, we must structure substantive rules and procedural requirements which yield fairness as a matter of system. To do this task systematically requires that wise policies be clearly stated in our regulations, and that we see to it that the regulations are scrupulously followed and continuously re-examined. In this way the reasonableness of both our policies and our administrative practices will be demonstrable to the persons they affect, and to the courts. Good merit administration can be satisfied by nothing less. #

personnel administration and the new federalism

By Joseph M. Robertson, Director of Intergovernmental Personnel Programs, C.S.C.

In 1883 it would have taken a far-sighted visionary to have predicted the Commission's present commitment to helping State and local governments strengthen their personnel capabilities for greater governmental responsiveness.

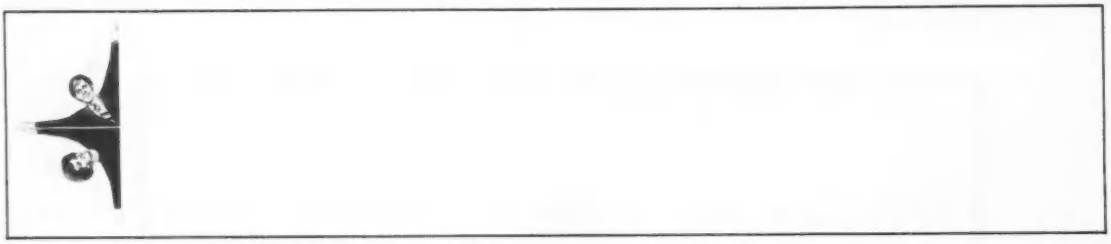
Why should it have occurred to anyone? Building a merit system for the national government alone was a big enough job for the newly launched Commission.

Besides, there were no signs that the Federal-State-local system of government was under any special strains. The Civil War had recently settled some issues over the division of powers. Revenue was not particularly a problem. Urban blight, air and water pollution, traffic congestion, and drug abuse were yet to be heard of.

National Growing Pains

All this, of course, changed. Our society became more complex. Population shifts and technological advances created problems of massive proportions. And as the problems became nationwide in scope, the national government became more directly and heavily involved in trying to solve them.

Hundreds of billions of dollars were poured into



administratively centralized grant-in-aid programs. But as subsequent experience proved, the concentration of power and resources in Washington brought the solutions little closer and in the process produced certain other consequences, chief of which was a weakening of governmental ability to respond at the levels closest to the people.

Plagued by a limited revenue base, the loss of decisionmaking power in dealing with matters close to home, and a red-tape barrier in dealing with Washington, State and local governments were finding it increasingly difficult to keep up with the growing demands at their doorstep.

Restoring the Balance

Clearly, the Federal system had gone out of balance, and that balance needed to be restored. Not for the sake of symmetry, but because national crises demanded a combined response from modern, effective government at every level, with State and local governments playing their full role as front-line partners in the Federal system.

This is at the heart of what President Nixon has termed the New Federalism, "a cooperative venture among government at all levels . . . in which power, funds, and authority are channeled increasingly to those governments that are closest to the people." Revenue sharing, welfare reform, government reorganization and various administrative actions to cut red tape, decentralized decisionmaking authority, increased reliance on State and local governments, and strengthened intergovernmental cooperation are all components of the strategy of the New Federalism.

In broad outline, this is what set the stage for the Commission's entrance into a new and wider arena with higher stakes involved—the "make or break" test of our Federal system's ability to respond to the needs of our times.

It is surprising that for so long the importance of the people factor—the capability and dedication of government personnel and the quality of personnel management—had been underplayed in meeting these needs. The relationship between quality people and quality government performance was almost too obvious, but it took the passage of the Intergovernmental Personnel Act in January 1971 to give it the full recognition it deserved.

The IPA was designed to fill a major gap in the effort to strengthen the overall responsiveness of government by strengthening State and local human resources.

Employees of State, county, and local jurisdictions really add up in this country. There are more than 10 million of them, and their numbers are continuing to grow as the demand for services at the State and local levels continues to rise. Their efficiency, the quality of their training, and the effectiveness of their systems of personnel administration make the big difference in determining how well government performs at the final delivery points for most government services.

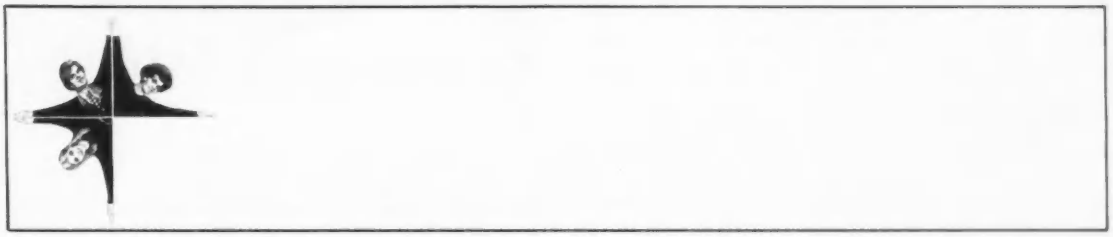
The IPA is truly a landmark in the annals of personnel legislation, among the most important pieces of legislation in the personnel field since the passage of the Civil Service Act in 1883. For the first time, we have on the statute books a declaration of national policy that a high caliber of public service in State and local governments is in the national interest, and further, that the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with merit principles.

Broad-ranging authorities are provided for State and local governments to use in improving their personnel and personnel administration capabilities. They include grants for personnel management improvement and training, technical assistance, personnel sharing, admission to Federal training courses, cooperative recruiting and examining, authorization for interstate compacts for personnel administration improvement and training, and graduate-level fellowships.

IPA and the New Federalism

Everything about the IPA and how we are administering it are closely woven into the fabric of the New Federalism. The emphasis throughout the Act is on a shared intergovernmental approach to meeting mutual needs and solving mutual problems, with full respect for the powers and rights of State and local governments.

The grant feature encourages States to take the lead



in cooperatively developing with local governments State-wide plans for personnel administration improvement and training. The Act also encourages other kinds of interjurisdictional arrangements—from neighboring communities joining together to meet their personnel needs, to multi-State arrangements for personnel research.

The talent-sharing feature opens the way for closer cooperation among all levels of government while strengthening program and personnel capacities. Sharing of recruiting, examining, and eligibility lists is encouraged for more effective and economical service to the public.

The thrust of the Act is toward strengthening central management and its ability to govern effectively. Grants go directly to the chief executive of a State or local jurisdiction to stimulate and support his efforts to make jurisdictionwide personnel management improvements in recruitment, selection, and employee development techniques.

The focus of the Act is on the core management people serving in administrative, professional, and technical categories. The emphasis in training is on management personnel—from top executives, including elected officials, down to the line managers. A significant portion of grant monies so far has gone for training in core management functions such as general administration, budget and accounting, data processing, and collective bargaining.

To help coordinate and improve Federal Government responsiveness to State and local needs, the Act transferred the merit systems administration function to the Commission, and authorized us to coordinate Federal agency technical assistance and training for State and local governments. To speed our own delivery of services, we have decentralized IPA decisionmaking authority to Commission regional offices.

Catalog of Successes

We have now completed the break-in period and most of the growing pains are behind us. In the short time we have been operating, a lot of impressive statistics have been amassed—over 400 mobility assignees, 213 grants the first year for more than 500 personnel management and training projects, 38 of the 50 States coming in with State-wide plans for utilizing IPA grant resources, extensive technical assistance provided in eliminating barriers to the employment of minorities and the disadvantaged, and almost 12,000 State and local employees trained in 1972 by the Commission alone.

But a recitation of statistics really doesn't tell us very much. The big question is, how is all this helping to achieve the purpose of the New Federalism at the grassroots?

Maybe the following will provide some clues:

☐ In Lincoln, Nebr., city executives for the first time are receiving training in supervisory techniques.

☐ In Mobile, Ala., Memphis, Tenn., Richmond, Va., Denver, Colo., and Harrisburg, Pa., a public job seeker can get job information and file applications in one place for jobs with all public employers in the area, instead of having to visit each one separately. In some locations, job seekers can take one exam to qualify for the same kind of job in different jurisdictions.

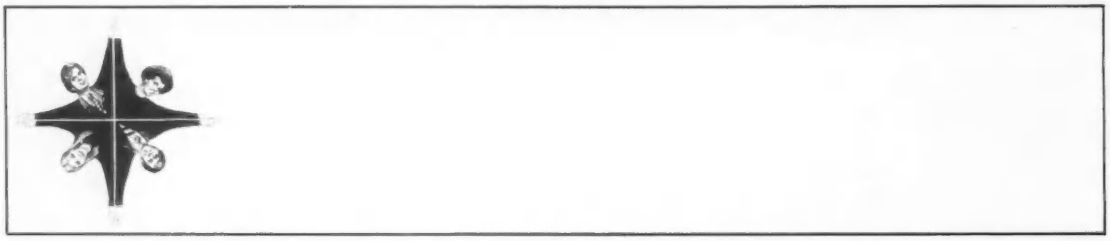
☐ In Cheyenne, Wyo., Raleigh, N.C., Gary, Ind., and in the States of Missouri and New Jersey, model merit personnel systems are being developed for use by units of government which have no organized personnel systems.

☐ In Idaho, New Hampshire, Virginia, and South Dakota, Federal mobility assignees are serving as budget advisors to State Governors, helping to improve budget administration. And in the Law Enforcement Assistance Administration, the Department of Agriculture, the Department of Labor, and more than 20 other Federal agencies, talented people from State and local governments are providing direct input to Federal operations.

☐ Newly elected State and local officials have been getting special training in dealing with management problems and issues.

These examples illustrate a few of the possibilities under IPA. But what they don't show enough of yet are the tangible results at the other end of the pipeline in terms of improved government performance and better service to our citizens. Ultimately, this is the only thing that will count.

The recent passage of general revenue-sharing legislation adds a new urgency to efforts to strengthen personnel management and personnel capabilities in State



and local governments. These jurisdictions are now being given back a larger share of the Nation's responsibilities, and a greater share of Federal revenues so that they can meet these responsibilities.

As the primary resource for improving government personnel management and strengthening the personnel factor at the grassroots, the IPA can contribute immeasurably to the success of revenue sharing and the New Federalism by helping chief executives build and maintain the quality work force needed for program success.

What of the Future?

How much of a contribution the IPA makes will depend on many factors, not the least of which is the willingness of States, localities, and the Federal Government to work with each other in a full, open spirit of cooperation in utilizing the Act's provisions. The experience so far is most heartening in this area.

It will depend on how the IPA will be funded in the years to come and the willingness of States and localities to make available matching funds to take full advantage of the personnel management improvement and training grant provisions.

It will depend on how well public executives set their priorities and utilize the resources made available to them under the provisions of the Act.

If these factors turn out on the positive side, the IPA should have the following long-range effects:

☐ It should result in upgrading the quality of human resources and in a greater appreciation of their importance in accomplishing the business of government.

☐ It should result in more responsive public personnel systems based on merit principles which will play a significant part in more effective delivery of public services.

☐ It should result in a greater role for the personnel arm in planning and carrying out government programs.

☐ It should lead to a closer working relationship among all levels of government in meeting their personnel needs with greater economy and less duplication of effort.

☐ Through the experience gained under the mobility provision, it should lead to freer movement of personnel among all three levels of government to the mutual advantage of all participants—governments and employees alike.

I know that fears have been voiced that the IPA could lead to a loss of individuality in personnel systems and the establishment of a monolithic system under Federal control. Now more than ever, these fears are groundless. The thrust of the IPA is in the opposite direction—toward developing strong, innovative, and diversified systems to suit State and local needs. And if that isn't enough, the passage of a "no strings" revenue-sharing law is another indication of the determination of this administration, the Congress, and the American people to decentralize authority to where the action is.

Thus far I have concentrated on the New Federalism and its implications for personnel management mostly from the standpoint of meeting State and local needs. This is where the heavy emphasis is right now. But the need for greater governmental responsiveness is not just limited to these levels.

The Third Dimension

The New Federalism is a three-dimensional improvement effort, and there is much that can be done to strengthen the responsiveness of the third dimension—the internal workings of the Federal Government. I have already mentioned government reorganization and the steps to decentralize decisionmaking authority. The Commission has been helping Federal agencies build the field competence necessary for decentralized decisionmaking, and we have reviewed personnel systems to seek out and remove possible restraints to decentralization.

Productivity in the Federal service, which is directly related to sound personnel management and training, is another area being given renewed emphasis by the Office of Management and Budget and the National Commission on Productivity.

All in all, these are challenging times for the Civil Service Commission. To help restore the vibrancy of the Federal system will take all the energy, skill, and resources we can muster. But as the Commission moves closer to the century mark, I am confident that we can successfully meet this new and important challenge placed before us. #

TRAINING DIGEST

Passage of the Government Employees Training Act in July 1958 gave training the status of an official function within Federal agencies. The following reflections of an agency training officer give an indication of the climate and problems facing the new function of training at that time.

"After World War II, training was one of the first functions abolished by Federal agencies. Transition from a war to a peacetime economy meant that everything not essential had to be dropped and training at that time was not considered essential. In July 1958 the few remaining training officers in Government enthusiastically welcomed the passage of the Government Employees Training Act. For the first time training was officially recognized as an important element of good management.

"Even with the passage of the Act, it took a long time for training officers to be accepted. Staffs were small and money hard to come by. The small but growing number of training officers banded together in such organizations as TOC (Training Officers Conference) and ASTD (American Society for Training and Development) and commiserated with each other at monthly meetings.

"The common complaint was that they had no staff and no training budget and how could management expect them to do the job. In those days some training officers gave up the struggle and transferred into other areas of management.

"Supervisors gave you a blank look when you said you were the training officer and after you explained your purpose, they challenged the need for training. Their attitude was that it was up to the individual employee to finance his own training. You left such confrontations with the feeling there must be a better way to make a living" (Daniel P. Keenan, Chief, Career Development, Department of Justice).

The thinking of Congress in passing the Government Employees Training Act is represented by statements made before the House Post Office and Civil Service Committee in 1958. The following purposes for training were identified: "(1) to improve performance and productivity in essential government programs; (2) to offer incentives for recruiting and retraining qualified employees; and (3) to stimulate and encourage employees' self-development directed toward a higher level of performance."

Eventually, as the training function grew, the role of the trainer was taken more seriously. This shift in attitude is described by one trainer this way: "With the recognition of training and employee development there ended the quite common practice of a frantic rush to identify someone who had at least taught for an hour or so in Sunday school and who could therefore serve as a course instructor. The semi-blind need no longer lead the blind, figuratively speaking, as well-prepared instructors were identified and trained ahead of time. Training actions no longer were being aborted by the absence of a qualified instructor" (Paul Terry, Director, Training Service, Veterans Administration).

The increasingly important role of training was further evidenced by the Civil Service Commission's creation of the Office of Career Development in March 1960. Finally, in May 1967, the impact of training was great enough to warrant the establishment of the Bureau of Training.

Although a relative newcomer, training in 1972 is a firmly established function. In maturing into an accepted element of personnel management, training has undergone many changes in concept, emphasis, and role since the passage of the Government Employees Training Act in 1958.

Originally, training was accomplished in piecemeal fashion with little effective planning for the needs of both the organization and the individual employee. Today, with the application of the systems approach, the planning, operation, and evaluation of training programs have become more systematic and more objective-oriented.

Because of this approach, a more realistic decision-making process has evolved for training. This is evidenced in such recent developments as the "Training Cost Model" and the "Value Model" which are designed to help trainers determine the cost and benefits of their training programs.

OMB Circular A–48 of September 23, 1971, further emphasizes the impact of training by stating: "Each agency head must consciously and actively plan, program, and budget for training. . . ."

Training has changed in other ways as well.

It was not uncommon in the Federal Government, prior to 1958, for an operating official to reject a proposal for technical training as an insult to fine employees, hired as fully qualified professionals. So comments Paul Terry in looking back at those days.

Training was often considered a "reward" to be parceled out to loyal employees regardless of individual or agency needs. Because of the continued efforts of conscientious trainers, managers no longer treat training as an insult or a "reward." It is now an essential management tool and the key to both employee and organizational development.

Until recently, the main thrust of training has been directed toward the updating and improvement of skills already possessed by employees. This traditionally has

meant that people in the middle grades received most of the training. While this still is true, the concept of training is broadening to include lower level employees, and those on the upper end of the spectrum.

In 1969 the President called upon Federal agencies to insure equal opportunity for all employees "to seek and achieve their highest potential and productivity in employment situations." Following that, the Civil Service Commission issued guidelines for establishing upward mobility programs for those employees who in the past have encountered the greatest obstacles to reaching their highest potential and productivity. Prominent in these guidelines were training and educational opportunities to qualify lower level employees for consideration for higher level positions.

Federal agency trainers have seized the initiative provided in these guidelines to design and implement training and educational programs to support upward mobility for lower level employees. Such training programs range in scope from basic education courses conducted by local school systems for Federal employees . . . through on-the-job and classroom skills training in a wide variety of white-collar and blue-collar occupations . . . to college-level course work conducted as part of in-service work-study programs. All focus on the objective of providing skills and knowledge necessary to qualify lower level employees for higher level positions so that they may reach their full career potential.

With the passage of the EEO Act of 1972, which mandates upward mobility training, agencies not only will strengthen existing training and education efforts but also are expected to break new ground in providing training opportunities to their employees to enable them "to advance so as to perform at their higher potential."

As a result of the "Guidelines for Executive Development in the Federal Service" (FPM 412–1, October 8, 1971), many employees identified by their agencies as having high potential are participating in programs geared to developing managerial and organizational responsibilities required in positions at GS–16 and above.

The passage of the Intergovernmental Personnel Act of 1970 has also changed the scope of many Federal training programs. Because of the growing number of shared Federal, State, and local activities, training has become an intergovernmental, not just an interagency, process.

Dan Keenan sees the training picture looking this way these days: "Fortunately, things improved so that today organizations recognize the new status of training. All but a few agencies have training organizations with at least one or more people officially responsible for the training function. The problem now is that the demand for training services exceeds the ability to supply them. The recent emphasis on upward mobility and executive development has put a great strain on training staffs. Training people may still complain, but now at least we feel someone is listening to us."

A pattern of continuing change has been an ever-present factor in the development and establishment of the training function. The ability to deal effectively with changing program thrusts has been the key to success.

Demands of management on training for the future will make it necessary for the trainer to develop and make use of analytical skills and techniques. Using information developed through this analytical process, the trainer will have to develop and employ consultative skills that will enable him to deal with management in terms that management will accept.

This means the trainer will have to operate by establishing objectives, specifications, and criteria for achievement. If training is going to have an increasing impact on decisionmaking, the trainer will have to develop and employ a results-oriented approach to his operation.

The successful trainer not only will have to develop analytical and consultative skills, but also identify issues, trends, and other factors that affect the program thrusts of training.

Although training programs are determined by the needs of the agency and by the needs of individuals, the trainer of the future will have to be foresighted and innovative to keep pace with technological and societal changes. He will have to be aware of these changes and determine their effect on his organization. The trainer then will have to employ these ideas toward the design and implementation of his programs. Federal organizations will be relying more on the trainer to assist new managers and executives in making transitions to new jobs and roles.

Programs for both low-skilled employees and for executive levels will continue to place increasing demands on training resources. Additional emphasis also will be placed on increased self-development, thus recognizing the individual employee's concern for his or her own career needs. Training likely will enter a period in which the needs of individuals will have significant impact upon the types of programs developed.

With this kind of emphasis, more and more development time will be spent on individualized learning methods. Although this trend has already begun, the trainer will direct more effort toward this approach in the future.

As the trainer develops and applies analytical and consultative skills to the problems presented by new issues and program thrusts, the training function will become more closely integrated with the total management process.

The outlook for the trainer is a new role, new programs, new emphases, and as always, continuing change.

—Janet N. Smith

*U.S. GOVERNMENT PRINTING OFFICE: 1973 512–117

and military promotions by executive branch agencies was imposed by President Nixon in an effort to hold down Federal spending.

Declared on December 11, 1972, the freeze was to be effective until submission of the new budget to Congress in January 1973. At that time, the freeze was to be relaxed only to the extent permitted by the spending goals for Fiscal Year 1973.

Exceptions to the freeze order were permitted in cases where the actions were essential to preserve human life and safety, to protect property, to preserve the continuity of government, or for emergency situations—such as the Postal Service's need to hire temporary help during the Christmas mail rush.

Under the freeze, employees could receive step increases but not grade-to-grade promotions. Hirings and promotions agreed to before December 11 were not affected by the freeze.

☐ A SALARY INCREASE of 5.14 percent for civil service employees paid at statutory rates became effective in January 1973. The increase, postponed from October 1972, is intended to make Government salaries comparable to those of private industry.

In a December 15, 1972, message to Congress announcing his action on pay, President Nixon said, "The American system of career civil service is based on the principle of rewarding merit. As President, I have a special appreciation of the contribution that the service makes to our Nation, and I am pledged to continue striving to make it an even more effective, responsive part of our Government."

☐ REQUESTED RESIGNATIONS can no longer be considered "involuntary separations" for retirement purposes according to a recent CSC ruling. The 3-year-old policy permitting agencies to request resignations in a RIF situation and to consider such resignations involuntary has been rescinded effective December 31, 1972.

☐ "OPEN SEASON," a period during which employees could newly enroll or change their enrollment in the Federal Employees Health Benefits program, was held November 15 through 30, 1972.

The open season followed an announcement by the Commission of changes in benefits and premium rates for the 38 existing plans and two new plans that will participate in the program in 1973.

Premiums for both of the Government-wide plans have been reduced for the first time in the 12-year history of the program.

To help employees and annuitants make the best possible choice of health insurance coverage during the open season, the Commission has prepared a 20-page, consumer-oriented pamphlet explaining the features of the various health plans. More than three million copies of the pamphlet were printed and distributed.

☐ ROCKEFELLER Public Service Awards for 1972 were presented to five outstanding public servants during December ceremonies. Recipients are Vernon D. Acree, Commissioner of Customs, Bureau of Customs, Department of the Treasury; Dr. Samuel C. Adams, Jr., Assistant Administrator, Bureau for Africa, Agency for International Development; Barbara M. White, Special Assistant to the Director, U.S. Information Agency, Career Minister for Information; Dr. Wallace P. Rowe, Chief, Laboratory of Viral Diseases, National Institute of Allergy and Infectious Diseases, one of HEW's National Institutes of Health; and Dr. Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation, U.S. Congress.

☐ RECRUITING AND EXAMINING procedures for Federal design jobs may undergo change as a result of recommendations made by a new task force. Formed to support the President's program for improving the quality of Federal design and architecture, the task force seeks ways to attract outstanding artists, architects, interior designers, and others employed in design occupations to the Federal service.

☐ EXECUTIVE TRAINING and development throughout the Federal Government is being evaluated by the Civil Service Commission.

Agency reports on their executive training and development plans are being studied in the Commission. The Commission's Bureau of Executive Manpower is monitoring agency progress, and the Bureau of Personnel Management Evaluation is conducting a special study in selected field activities.

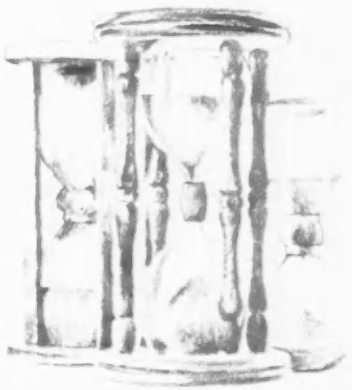
When the evaluation is complete, the Commission will report to the President on the state of executive development in Government as a whole, as well as in each agency.

☐ IMPROVED PERFORMANCE evaluation in the Federal Government is the goal of a major effort being launched by the Civil Service Commission. A team consisting of Commission and Federal agency members will review the best practices in government and the private sector, develop models, and test those models at selected worksites during the next fiscal year.

Points to be emphasized by the project team include: the results of employee efforts as a means of evaluating performance, joint goal setting between supervisors and employees, frequent discussions between employees and supervisors regarding goals, identification of training needs, and better use of performance review in reaching personnel decisions.

Managers, personnel specialists, and union representatives will be consulted regularly throughout the project, which is being carried out under the direction of the Commission's Personnel Research and Development Center.

—Tom Kell



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