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Government winds up for Flexitime — page 1

U.S. Civil Service Commission

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ARTICLES

DEPARTMENTS

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WORTH NOTING

☐ CHAIRMAN HAMPTON resigns: CSC Chairman Robert E. Hampton resigned January 20 after serving on the Commission for more than 15 years and as Chairman for 8.

In his "valedictory" address at the Commission's 94th anniversary ceremony, he said of the CSC, "Over the last 15 years, I have seen many great and significant achievements that have been shaped by the dedicated men and women who staff this organization."

A few of the more recent achievements mentioned include: a new law setting up intergovernmental personnel programs, putting the retirement system on a sound financial basis, advances in assuring equal employment opportunity, improvements in blue- and white-collar pay systems, and improvements in the position classification system. New Executive orders were issued to improve labor-management relations; personnel management evaluation was strengthened; governmentwide productivity was increased; executive development was instituted; a new structure for hearing appeals was implemented; extensive new personnel data systems were begun; the examining system was improved; merit promotion, incentive awards, and occupational

(Continued—See Inside Back Cover)

GOVERNMENT TESTS FLEXITIME

by Barbara L. Fiss
Bureau of Policies and Standards
U.S. Civil Service Commission

TODAY, the daily lives of more than 60,000 Federal employees are affected by a concept that was unknown within the Federal Government less than 3 years ago. The concept is Flexitime. It is a system of time management that represents a marked departure from the traditional manner in which most organizations have carried on their business.

Within these past 3 years, this program has grown from a single experiment involving approximately 270 employees into a program that now involves Federal employees in at least 50 different organizations located throughout the United States. What has been the impact of this new system upon employees, first-line supervisors, managers in general, and the organizations into which it has been introduced?

Before answering this question, it may be helpful to review the background of this concept and to describe briefly its operation in the Federal Government today.

Conceived by a German economist and orginally introduced as "Gleitzeit" or gliding hours, Flexitime was first used less than a decade ago by the German firm of Messerschmidt-Boelkow-Blohm. Located in north Munich, this firm was seeking ways to alleviate several personnel problems, not the least of which centered on the difficulities employees were having in getting to and from work in heavy traffic due to limited access to the plant from the Autobahn. While it is doubtful they realized the far-reaching implications and effects it would have, their solution was the introduction of Flexitime.

Barbara L. Fiss serves as the Project Officer for the Flexitime Program at the Civil Service Commission. In this capacity she is the central coordinator for flexitime programs within the Federal Government. She is the author of Flexitime—A Guide, *a Commission publication dealing with the implementation of flexible work hours.*

Prior to joining the Commission in 1973, Mrs. Fiss was Director of Compensation at United Services Automobile Association (USAA), a Texas-based insurance corporation. She was instrumental in the introduction of a four-day work week at USAA in 1971, the largest U.S. business at the time using such a program.

The system has been growing steadily since that time throughout Western Europe. At the present time, 40 percent of the Swiss work force is reported to be on some form of flexible hours.

In England, the British Civil Service Department has authorized the introduction of flexible hours, to be phased in when and where appropriate. By 1975, approximately 70,000 British civil servants were under the sytem.

In Canada, two major projects have started within the past 3 years. The Ottawa transit authority, cooperating with government and private employers, launched a major campaign for flexible hours to increase use of mass transportation. Rider distribution improved by 24 percent in the morning and 42 percent in the evening, with a net increase in transit riders of 8 percent.

In downtown Toronto, a similar program aimed at improving rush hour traffic resulted in increasing off-peak travel from 19 percent to 35 percent as a result of the widespread introduction of flexible working hours.

While a number of these early efforts focused on the potential benefits that flexiblework hours might offer in the traffic area, there were many other aspects of the program that were appealing to both organizations and employees. Organizations wanted to increase their efficiency as well as attract the best-qualified individuals. When these programs were first introduced in Europe, there was a concerted effort to bring skilled and professional women who were not available for fixed traditional hours into the labor force. Also, as the concept crossed the Atlantic, American firms were quick to discover that such a program would enable them to expand their business hours without incurring additional personnel costs.

Flexitime's Structure

In its basic form, Flexitime is deceptively simple in design. Fixed times of arrival and departure are replaced by a working day composed of two different types of

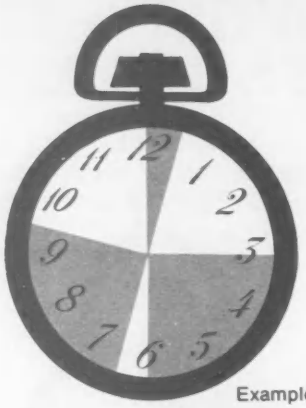
time: *core time* and *flexible time*. *Core time* is the designated number of hours when all employees in a specified group must be present. *Flexible time* is all the time designated as part of the schedule of work hours within which employees may choose their time of arrival and departure.

The two requirements of flexible work schedules are that (1) the employee myst be present during core time and (2) the employee must account for the total number of required hours within a specified time period. Beyond this, the precise working hours can be established in any way consistent with the organization's operational needs and the employees' wishes. Currently, however, the configurations that the Federal Government and some of the private sector can use are limited. This is because of the requirement to pay overtime after 8 hours in a day or 40 hours in a week.

The following two examples illustrate what is now possible within the Federal Government and other organizations subject to similar overtime laws.

Example One, the office opens at 6:30 a.m. and closes at 6:00 p.m. The core time, that time during which everyone must be present, is centered in the day from 9:30 a.m. to 3:00 p.m. with a half-hour designated for lunch. Each employee must work a basic 8-hour day. The flexible time bands are 6:30 a.m. to 9:30 p.m. and 3:00 p.m. to 6:00 p.m. The employee may choose an arrival time between 6:30 a.m. and 9:30 a.m. and will complete the work day 8 ½ hours later.

Example Two is similar, but introduces a third flexible time band in the middle of the day, which splits the core time into two parts, and means the employee is free either to continue to work straight



Example 1

through the day (with time out for lunch) or to take an extended lunch period of up to 2 hours. This gives the employee a chance to shop, attend to personal business, attend a college class, enjoy a leisurely lunch, or to see a doctor or dentist without taking leave. So long as the employee is at work between 9 and 11 a.m. and 1 and 3 p.m. and completes the 8-hour day within the limits set (6:30 a.m. and 6:00 p.m.) for the flexible work schedule, the organization's requirements have been met.

These examples both contain the elements common to all Flexitime schedules. They establish flexible bands and core hours, and they offer the employee a choice of arrival times. How much choice employees may have to select and vary times of arrival again depends upon the model selected by the organization, based upon an assessment of internal and external requirements.

Under Flexitour, the most limited of the Flexitime arrangements, the employee preselects an arrival time within the flexible time band. Once selected, this becomes the employee's fixed schedule until the next selection period. How often an employee can change schedules is an internal policy decision.

A more flexible variety is the Gliding Schedule. Just as in the previous instance, the employee selects an arrival and departure time within the flexible time band. However, he or she is free to vary this time daily within established limits, so long as the employee is present during the core time and completes and 8-hour day plus a designated lunch period.

The European Flexitime systems, as well as programs in some private sector organizations, often include the "bank and borrow" or "deposit and withdrawal" feature. Employees under these models are not limited to the 8-hour day and the 40-hour week. Within a given time span (say 2 weeks), an employee may work more hours in one day or one week in order to work fewer hours in another day or another week. No such programs are currently in effect in the Federal Government due to overtime requirements.

There are many varieties of Flexitime programs operating in the Federal Government. Any program should be the result of a careful organizational analysis and should support and enhance the organization's mission.

Many articles on flexible hours concentrate on the broad, general effects of the system. However, all other factors being equal, the success or failure of a flexible hours program ultimately depends on how the employees and managers see the program, and how the first-line supervisor administers it day to day.

We stated earlier that the concept of flexible hours is a *deceptively simple* one dealing with the arrival and departure times of employees. Our experiences indicate we have used the words "deceptively simple" advisedly, for this program is indeed more than a simple rearrangement of daily arrival and departure times.

The use of flexible hours requires a commitment on the part of

every level of management, beginning at the top and extending down through the first-line supervisor or shop foreman. Because this commitment is so important, it is not surprising that two major predictors of the success of a Flexitime program are: first, the clarity and reasonableness of the program's ground rules as perceived by managers and supervisors and second, the organization's management style and personality at the time a flexible hours program is introduced.

Example 2

Ingredients for Success

As with any program, a basic ingredient for success is good communication. This is particularly important in a program such as Flexitime, which is new to both supervisors and employees, and which so personally affects the individual members of the organization, the way business is conducted, and the interpersonal relationships between supervisors and employees. Our experience has reinforced our belief that the first-line supervisor must be involved in drafting the organization's rules on Flexitime.

Before a Flexitime program starts, supervisors worry that their authority will be diminished if employees are permitted to "come and go at will." It is only natural, under Flexitime, for supervisors to be concerned over exercising proper control to ensure that the work is accomplished. We have heard this concern repeated in numerous discussions with supervisors. There is legitimate concern here that they will continue to be held responsible for production without an equal measure of authority.

Clearly, the supervisor must retain the authority to limit an employee's flexibility under Flexitime as required by the orgainzation's operating needs. To help ease such concerns, a clear, concise statement of the supervisor's authority should be included in the letter, instructions, or handbook published on the program's ground rules.

In fact, contributions from all segments are vital to the planning process. Several organizations have reported that top management has heavily supported their planning efforts. Additionally, these organizations surveyed employees to gauge their support for the program. However, where those responsible for planning and introducing the program failed to include and consider the special problems and needs of the middle manager and the first-line supervisor, substantially greater resistance was encountered in the early days of the program.

Agencies overcame these early problems by setting up intensive communication and discussion programs. But through proper planning at every level, they could have avoided this additional effort.

A second characteristic that appears to affect the success of Flexitime programs is the personality of the organization and the management style of its supervisors.

Sometimes the type of Flexitime program which will or should be implemented in an organization may be less a reflection of a type of program that might be operationally feasible than it is a reflection of the management style of the organization. For example, organizations with a history of a highly structured, closely controlled work environment may be more comfortable with a basic Flexitour as a first step, rather than the more liberal Gliding Schedule. But it is far better to recognize the highly structured personality and atmosphere of the organization at the outset, and to develop programs consistent with it, than to attempt to impose too radical a change on the organization too quickly.

On the other hand, there are organizations in which employees function quite independently and have a substantial degree of control over the arrangement of their daily activities. In these instances, the introduction of even the most flexible of programs may be no more than the institutionalizing of long-standing practices, and will therefore be viewed as neither a major nor a radical departure from the norm. Most organizations, of course, lie somewhere in between these two extremes.

In sum, it appears that Flexitime planning committees have helped assure the program's success by their attention to and understanding of these points.

Advantages to the System

While there are certainly legitimate concerns that must be addressed, this program is not without advantages to the organization and the first-line supervisor. While varying substantially from one organization to another, the problem of employee tardiness is one which continuously concerns supervisors and which can, when chronic problems exist, consume valuable time almost daily.

Use of the flexible hours system has reduced such problems as tardiness and excessive sick leave or leave without pay usage, according to first-line supervisors. Since each employee's day begins upon his or her arrival at the office, tardiness is virtually eliminated. Gone too is the need for counseling on tardiness. Some first-line supervisors responsible for large clerical operations with severe tardiness problems are reporting savings of 30 to 40 minutes daily.

They also report improved personal relationships with employees, since the element of confrontation with the tardy employee, or the employee who uses too much sick leave or leave without pay, has often been dramatically reduced. Supervisors participating in Flexitime programs also cite the additional quiet period of the early morning or late afternoon hours as beneficial to planning and organizing the day's work.

Insofar as possible, we have attempted to obtain information on the experiences of Federal agencies that have introduced flexible hours programs, and the following is a sample of some of the more significant results reported.

The Geological Survey in Reston, Va., which recently completed a 1-year test of flexible hours, reports a savings of better than 3,000 hours in short-term sick leave over the previous year. This is primarily sick leave used in increments of 1, 2, or 3 hours.

In a report from the Bureau of Alcohol, Tobacco, and Firearms of the Department of the Treasury, it was noted that specialists were available an average of 10 hours per day, a 1½-hour increase over the previous standard work day.

The Civil Service Commission's own Seattle Regional Office found that Flexitime broadened the time span of accessibility to the central office in Washington.

While the Naval Ship Weapons Systems Engineering Station in Port Hueneme, Calif., confirmed this benefit, it noted one more: greater employee access to WATS (Wide Area Telecommunication System) lines.

Many reasons could be mentioned for considering Flexitime. Some of the reasons are primarily motivated by a desire to control leave usage more effectively, or by hopes for improving efficiency and productivity, or by the interest in expanding service to the public or alleviating traffic congestion. Whatever the reason, it is clear that careful planning and attention must be given to the requirements of each organizational component, with advantages and disadvantages of the program specifically identified.

To assist organizations, the Civil Service Commission offers two specific aids. First, a 26-minute film designed for general orientation is available in 16mm, and also in ¾ inch video cassette; for further information, contact the Pay and Leave Administration Section, Civil Service Commission, Washington, D.C. 20415 (by late Spring 1977, copies of this film should also be available in each of the Commission's regional offices). Second, a 16-page booklet providing step-by-step guidance for determining the feasibility and implementation of Flexitime can be ordered directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Catalog #CS 1.7/4:F63, Stock #006-000-00809-7, cost 65¢ a copy. CSJ

ADP BULLETIN BOARD

CSC Data Processing Developments

In June 1975, the Civil Service Commission executed a contract with Honeywell Information Systems to replace its rapidly obsolescing data processing equipment. That contract called for the purchase and/or lease of a large-scale Honeywell computer (Model 66/80) and all associated peripheral storage and teleprocessing equipment.

The equipment was installed in the new Civil Service Commission Processing Center in Macon, Ga., in November 1975, and the month-long acceptance test was completed in December. The equipment has since performed faultlessly. It appears that it will easily fulfill its required 8-year systems life.

The new data processing equipment is a part of the overall modernization and upgrade of the Civil Service Commission's data processing and teleprocessing capability. Data processing has become an intrinsic part of all major program activity for the Civil Service Commission.

Many major new system developments are being predicated upon the use of the computer technology now available in the Macon center.

The project for comprehensive improvement of the recruiting and examining system (known as SCORE) has already established in the Macon Service Center a modern test scoring and preprocessing operation. The first of the nationwide competitor inventories, PACE, will be operational in November 1977. All other competitor inventories will follow the PACE exam in fairly short order. The annuity and retirement support system is being redesigned into an integrated system for support of annuitants and prospective annuitants, utilizing the new technology to provide prompt response to inquiries and more stringent control of the growing case load.

The Central Personnel Data File, which will ultimately become the Central Planning Agency portion of the data base under the modernization program for Federal personnel processing (FPMIS), is also undergoing major changes in order to take advantage of the information technology now available for its support. Other major systems for support of the Civil Service Commission are being converted from the existing facility to Macon as rapidly as possible.

The installation of the data processing equipment in Macon has been accompanied by design and installation of a teleprocessing network radiating from Macon, accessed by each of the 10 regional offices and the Washington, D.C., headquarters. Over the next year that basic network will evolve and will be upgraded to accommodate changing workload, utilizing a variety of terminals in regional offices, area offices, headquarters, and the Macon service center. Many of these terminals now exist and are functioning. Others will be procured as workload demands.

ADP equipment is available in modular increments, and CSC initially bought the minimum module required to fully support the planned CSC workload for the first year of its operation. Machine design efficiencies in recent years, however, make the inherent capacity of the equipment greater than present CSC demand. Therefore we have more computing power available than required for current CSC demands. This excess computing capacity is being marketed to other Federal agencies through the GSA regional sharing exchange. Several of the agencies now being served include the Corps of Engineers, GSA, Navy, and the FCC.

Over a period of several years most of the data processing staff in the Bureau of Manpower Information Systems will be transferred to Macon. By the end of Fiscal Year 1978, current plans are for the existing data processing center in Washington to be closed and for all computing to be done in Macon.

The development and modernization of data processing technology and capability for support of the Civil Service Commission's programs represents a significant commitment by the Commissioners and executive staff to the crucial importance of data processing in the day-to-day business of the Civil Service Commission. This modernization effort will support significant improvements to programs providing services directly to the Federal work force community.

—Michael R. Gall

A LOOK AT LEGISLATION

Personnel legislation enacted during the second session of the 94th Congress:

Administrative

PUBLIC LAW 94-233 (H.R. 5727), approved March 15, 1976, establishes an independent and regionalized United States Parole Commission in the Department of Justice headed by a nine-member Parole Commission. All personnel employed by the United States Board of Parole with respect to the functions, powers, and duties transferred by this Act shall be transferred to the United States Parole Commission. Provision is also made for the acceptance of voluntary and uncompensated service by the Commission.

PUBLIC LAW 94-370 (S. 586), approved July 26, 1976, amends the Coastal Zone Management Act to strengthen the nation's coastal zone management. A new section 310 allows the Secretary of Commerce to enter into contracts and carry out research, studies, and training, and provides for reimbursable details or transfers of personnel between Commerce and other agencies.

Section 15 provides for the appointment of an Associate Administrator of the National Oceanic and Atmospheric Administration.

PUBLIC LAW 94-385 (H.R. 12169), approved August 14, 1976, extends until December 31, 1977, the life of the Federal Energy Administration and thereby continues the reemployment rights authority provisions of the Federal Energy Administration Act of 1974.

Section 142 provides for establishment of an Office of Energy Information and Analysis to be headed by a Director, appointed by the President, by and with the advice and consent of the Senate. The Director is authorized to appoint and fix the compensation of such professionally qualified employees as he or she deems necessary.

PUBLIC LAW 94-412 (H.R. 3884), approved September 14, 1976, provides for termination, 2 years from date of enactment of this Act, of certain authorities still in effect with respect to national emergencies, and provides for the orderly implementation and termination of future national emergency authorities.

PUBLIC LAW 94-461 (H.R. 13035), approved October 8, 1976, to improve the national sea grant program. The Secretary of Commerce shall appoint a Director of the program. Authority is granted to the Secretary to appoint and fix the compensation of such personnel as may be necessary, except that five positions may be established without regard to the provisions of title 5, United States Code, governing appointments in the competitive service at pay rates not to exceed the maximum rate for GS-18.

PUBLIC LAW 94-499 (H.R. 14886), approved October 14, 1976, amends the Presidential Transition Act to provide that the detail of any employee of an agency of any branch of the Federal Government to the office staffs under that Act shall be on a reimbursable basis.

PUBLIC LAW 94-505 (H.R. 11347), approved October 15, 1976, provides in title II for the establishment of an Office of the Inspector General in the Department of Health, Education, and Welfare, to be headed by an Inspector General and Deputy. Staff will be appointed and compensated in accordance with the provisions of title 5, United States Code, and personnel transferred to that office pursuant to transfer of functions may not be reduced in classification or compensation for 1 year after such transfer.

PUBLIC LAW 94-579 (S. 507), approved October 21, 1976, establishes overall Federal policy on public land use planning and management. Title III provides for the appointment of the Director of the Bureau of Land Management by the President, by and with the advice and consent of the Senate, and the appointment by the Secretary of Interior of an Associate Director, Assistant Directors, and other employees subject to the provisions of title 5, United States Code.

PUBLIC LAW 94-582 (H.R. 12572), approved October 21, 1976, provides for establishment of a Federal Grain Inspection Service in the Department of Agriculture to be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate. Section 10 provides that the Department of Agriculture may hire grain inspectors without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

Allowance

PUBLIC LAW 94-458 (S. 3430), approved October 10, 1976, improves the administration of the Nation-

al Park System by the Secretary of Interior by granting authority to provide meals and lodging for employees while on extended special duty in areas of the National Park System; to pay travel and moving expenses of dependents of deceased employees when Park Service housing is occupied; and to increase the maximum uniform allowance for Park Service employees to $400 a year.

Appointment

PUBLIC LAW 94-284 (S. 644), approved May 11, 1976, to improve the Consumer Product Safety Commission, authorizes the Chairman of the Commission to place an additional 12 positions in GS-16, 17, and 18. The appointment of any officer (other than a Commissioner) or employee in the Consumer Product Safety Commission shall not be subject to review or approval by any officer within the Executive Office of the President.

PUBLIC LAW 94-503 (S. 2212), approved October 15, 1976, amends the Omnibus Crime Control and Safe Streets Act, as amended. Title II provides that 1 year after date of enactment, all Drug Enforcement Administration supergrade positions and GS-15 management, supervisory, and executive assistant positions will be removed from the competitive service; permits the Administrator of that agency to discharge, suspend, furlough, or reduce in rank or pay employees with less than 1 year of service and reduce in rank or pay employees with longer service, without regard to statutory appeal rights in adverse actions; and provides that affected employees be given first priority in filling competitive service positions in that agency at GS-14 and 15. The Attorney General is authorized to place 32 positions in GS-16, 17, and 18 without regard to any other provision of section 5108(c) of title 5, United States Code.

Equal Rights

PUBLIC LAW 94-471 (H.R. 12566), approved October 11, 1976, authorizes appropriations for Fiscal Year 1977 for the National Science Foundation. Section 7(a) directs the Director of the National Science Foundation to initiate an intensive search for qualified women, members of minority groups, and handicapped individuals to fill executive-level positions in the National Science Foundation, and improve the representation of such persons on advisory committees, review panels, and all other mechanisms by which the scientific community provides assistance to the Foundation.

PUBLIC LAW 94-559 (S. 2278), approved October 19, 1976, permits a court to allow attorneys' fees to a prevailing party in suits brought to enforce certain civil rights acts, and to a prevailing defendant in actions brought by the Internal Revenue Service.

Ethics

PUBLIC LAW 94-350 (S. 3168), approved July 12, 1976, extends to medical personnel of the Department of State, including the Agency for International Development, immunity from civil suits and personal liability for acts of alleged medical malpractice performed while acting within the scope of their duties in, or for, the Department of State or any other Federal department, agency, or instrumentality.

PUBLIC LAW 94-409 (S. 5), approved September 13, 1976, "Government in the Sunshine Act," requires that meetings of agencies headed by a collegial body composed of two or more persons, a majority of whom are appointed by the President, by and with the advice and consent of the Senate, shall be open to the public with limited, specific exceptions, effective 180 days after enactment.

PUBLIC LAW 94-453 (H.R. 11722), approved October 2, 1976, amends title 18, United States Code, to prohibit any person from directly or indirectly obtaining or attempting to obtain a political contribution of money or services for the benefit of any political party by means of, or threat of, denial or deprivation of employment in any Federal agency or agency of a State or other political subdivision, or of any benefit of such employment or program of the United States.

PUBLIC LAW 94-464 (H.R. 3954), approved October 8, 1976, extends to medical personnel of the Department of Defense, Central Intelligence Agency, and the National Aeronautics and Space Administration immunity from civil suits and personal liability for acts of alleged medical malpractice performed while acting within the scope of their employment.

Health

PUBLIC LAW 94-237 (S. 2017), approved March 19, 1976, establishes in the Executive Office of the President an Office of Drug Abuse Policy headed by a Director and Deputy Director, appointed by the President, by and with the advice of the Senate, and compensated at Levels III and IV respectively. An additional four nonquota supergrades are allocated to that office.

Health Benefits

PUBLIC LAW 94-342 (H.R. 11439), approved July 6, 1976, provides that any survivor annuitant cov-

ered under the Federal Employees Health Benefits Program (FEHB) at the time his/her survivor annuity was terminated because of remarriage shall be eligible to re-enroll in one of the FEHB plans in the event the survivor annuity is restored because of dissolution of the remarriage or pursuant to other applicable law.

Leave

PUBLIC LAW 94-310 (H.R. 11438), approved June 15, 1976, expands present court leave provisions to employees who appear as witnesses on behalf of a private party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party.

Pay

PUBLIC LAW 94-440 (H.R. 14238), approved October 1, 1976, bars in title II the payment of salary increases under Public Law 94-82 to Members of Congress, Federal judges, and positions under the Executive Schedule, for the duration of Fiscal Year 1977.

PUBLIC LAW 94-533 (H.R. 15276), approved October 17, 1976, removes the United States Park Police from the coverage of future changes in the pay schedule for District of Columbia police and firemen, and effective October 1, 1976, their existing pay rates will be adjusted each year by a percentage amount (rounded to the next highest $5) equal to the average percentage of the General Schedule comparability adjustment.

Retirement

PUBLIC LAW 94-350 (S. 3168), approved July 12, 1976, provides in title V for maintaining without separate legislation future conformity between the provisions of the Foreign Service Retirement and Disability System and the Civil Service Retirement and Disability System.

PUBLIC LAW 94-397 (H.R. 3650), approved September 3, 1976, amends section 8344(a) of title 5, United States Code, to require that amounts deducted by agencies from salaries of reemployed retired employees shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund. Provision is also made for payment of supplemental or recomputed annuities earned on the basis of part-time reemployment when it equals the present full-time reemployment requirements.

PUBLIC LAW 94-440 (H.R. 14238), approved October 1, 1976, provides in title XIII for the elimination of the 3-percent-for-3-months cost-of-living formula and the additional 1 percent add-on in civil service annuities. Future cost-of living adjustments will be made on a semi-annual basis. Revision in the cost-of-living formula applies to the military and foreign service retirement systems also.

PUBLIC LAW 94-522 (H.R. 13615), approved October 17, 1976, provides in title II for maintaining, without separate legislation, future conformity between the Central Intelligence Agency Retirement System and the Civil Service Retirement System.

PUBLIC LAW 94-554 (S. 12), approved October 19, 1976, reforms and updates the Judicial Survivors' Annuity System to conform to changes previously made in the Civil Service Retirement System's survivorship provisions.

Tax

PUBLIC LAW 94-358 (H.R. 10572), approved July 12, 1976, provides that the provisions relating to the withholding of city income or employment taxes from Federal employees' salaries shall apply to taxes imposed by certain nonincorporated local governments, within the political boundaries of which 500 or more persons are regularly employed by all agencies of the Federal Government.

PUBLIC LAW 94-455 (H.R. 10612), approved October 4, 1976. The Tax Reform Act of 1976 amends the Internal Revenue Code to reform the tax laws of the United States. Section 503 amends section 37 relating to retirement income to provide for a credit for the elderly, and section 506 provides for changes in sick pay exclusions in the tax treatment of disability annuities.

Training

PUBLIC LAW 94-449 (S. 3052), approved October 1, 1976, authorizes the Secretary of Agriculture to provide orientation and language training to families of officers and employees of the Department of Agriculture in anticipation of an assignment abroad of such officers and employees.

Unemployment Compensation

PUBLIC LAW 94-566 (H.R. 10210), approved October 20, 1976, requires States to extend unemployment compensation coverage to certain previously uncovered workers, and places in the States the final responsibility to review and make determinations on the validity of findings of Federal agencies with respect to performance, periods of employment, and cause of separation from employment.

Veteran Preference

PUBLIC LAW 94-502 (S. 969), approved October 15, 1976, provides in section 702 for the termination, prospectively, of the granting of veteran preference based on peacetime service unless the veteran has served in a campaign or has suffered a service-connected disability. *—Dorothy J. Mayo*

USING TECHNOLOGY FOR TRAINING

by Alice H. Blumer
Bureau of Training
U.S. Civil Service Commission

IN THIS technological age, Federal managers are faced with rapid increases in the obsolescence of knowledge. Accompanying this is an unprecedented information explosion. Alvin Toffler in *Future Shock* cites rapid technological innovations as the cause for reduced "life expectancy" of occupations and increasing job specialization.

This situation has created a demand for training that prepares the Federal work force for changing work environments and job requirements. Just as technology created the situation, technology also presents a means for solving some of the problems.

Instructional technology (IT)—technology as it is applied to instruction for job training—is a growing field. Its goal is to automate and streamline the training of the work force in an era when the more familiar means of training (e.g., traditional classroom instruction) are not adequate. Limited budgets and conflicting organizational demands make it difficult to get started in the use of IT because the "up front" cost is high. But Federal managers who realize the long-term payoffs of technology somehow find a way.

What Is IT?

Like other technologies, instructional technology is product *and* process.

The products are instructional materials, or software, like slide/

tape presentations, programmed workbooks, instructional television programs, and decision tables (see example, page 12). Products are also the devices, or hardware, such as projectors, tape recorders, and television equipment that are used to present materials.

The process is the systems approach. It supplies the methodology and control that guide important instructional and management decisions leading to the ultimate objective, human learning and improved job performance. Decisions reached through this process can be as fundamental as whether or not training is justified. They range from relatively uncomplicated media choices to extremely sophisticated decisions. These might involve equipment and facilities acquisition and management, staffing, problem analysis, job performance evaluation, and cost effectiveness studies.

Once confined to the backrooms of training organizations as something to tinker with and study after the "real" training had taken place, IT has now achieved legitimacy. Managers are viewing it as a process akin to the management tools already familiar to them.

Those experienced in the Management by Objectives approach and in PERT techniques can readily see the parallels in the systems approach to instruction. Like MBO, the systems approach stresses accountability through (1) specific and measurable goal-setting, (2) knowledge of results, and (3) realistic, systematic evaluation of program progress and effectiveness. Like PERT, it allows for a high degree of control by managers through the systematic planning process.

Even more striking is the likeness of IT to computer systems technology. An overriding goal of IT is elimination of the labor-intensive tasks inherent in the instructional process. The computer systems so vital to modern management provide the model for this important goal. In the case of computer-based and computer-managed instruction where computers play a distinct role in instruction, such systems are also the mechanism for achieving the goal.

Recent emphasis on "no-growth" budgets and accountability might do much to encourage the further development of IT.

Front-end costs of designing instruction using the systems approach are higher than for traditional instruction. However,

TOOLS OF THE TRADE for instructional technology: TOP, Naval Flight Officer candidates work with radar and flight training simulators as three TV consoles monitor the students' performance. LEFT AND JUST BELOW, examples of self-instruction through technology at a Postal Employee Development Center. BOTTOM LEFT, a video projection beam allows Postal Service management trainees to try their hand at simulated decisionmaking. BOTTOM RIGHT, man and machine work together for optimum training effectiveness at a Postal Employee Development Center. *(Top photo courtesy of* Campus, *The Navy Education and Training Monthly; other photos courtesy of Postal Service Training and Development Institute.)*

the element that justifies these costs is the accountability and control built into the approach. Results can be measured because goals are analyzed and clearly defined.

Effectiveness in terms of improved human performance can be predicted because performance has been observed and documented during development and validation, before operational use. And resources can be used in optimum ways. Specifically, technology can automate and replicate instructional presentations so human resources won't be wasted on routine tasks.

In its ultimate applications, technology can be placed at the service of the learner through "individualized instruction." The training program can be delivered to the trainee, rather than sending the trainee to the classroom. In this way individualized instruction can make training more timely as well as more efficient. Savings in travel costs as well as instructor and trainee salary costs can be substantial.

An Uneven History

To those who have seen and experienced its successes, IT is "an offer you can't refuse." To those with vivid memories of the technological excesses of the 1960's, the offer is eminently refusable. During the sixties, the temptation to look at the emerging machine technology as an end in itself was strong. In anticipation of an instructional revolution, endless varieties of electronic and audiovisual machinery were acquired by training and educational organizations.

The dramatic revolution never materialized, mainly because there was a dearth of good software to feed the hungry machine technology. Few organizations managed to look at the wider view of IT as product *and* process. So the upstart was denounced and ignored. Idle machines and dusty software were inventoried as wasted resources.

A Quiet Revolution

In spite of all this, a quiet, slower, more substantive revolution has continued to evolve.

Some industries learned how to merge process and product to meet a continuing need for cost-effective, automated, and validated training in a rapidly changing work environment.

Schools and universities, humbled by some embarrassing failures, began to blend some accountability and research into their experimentation with technology.

Television producers, both public and commercial—with such successes as "Sesame Street," "Ascent of Man," "The Advocates," and "Civilisation"—offered proof that television could be a powerful force in the creation of highly appealing learning experiences for huge and widely dispersed audiences.

The Federal Government offered public funding for some research and development into the uses of technology for instruction. And the Government continued to make its own progress in the military sector and in some of its larger agencies.

Some Success Stories

Military trainers were in the vanguard in use of IT. With enormous numbers of people requiring training in skills vital to the functioning of a defense system, military trainers saw reason enough to turn to IT. Significant proof of an ongoing commitment can be seen in the recent work done by the Interservice Committee on Instructional Systems Development and the Center for Educational Technology, Florida State University.

The product of this cooperative effort is the *Instructional Systems Development Model*. It is a highly specific set of techniques and procedures to be followed in the development and conduct of interservice training in the military.

The Internal Revenue Service employs IT processes and products to design and implement training for diverse populations, including (1) the thousands of temporary employees hired each year to process tax returns, (2) professional-level employees, such as tax auditors, revenue officers, and revenue agents, and (3) the taxpaying public.

One example of the basic economy of IT is IRS's *Volunteer Income Tax Assistance Course Book* (IRS Publication 678). This document presents a series of thumb-indexed decision tables to be used by volunteer (nonpaid) tax assistors in preparing tax returns for low-income, elderly, and non-English-speaking taxpayers. It enables the volunteers to prepare a simple Form 1040A or 1040 and Schedule A without extensive classroom preparation. It is one of many ways the IRS meets its training needs by designing alternative ways of delivering instruction.

The U.S. Postal Service is also notable for its exploration and successful use of IT. A growing inventory of individualized instruction modules for use in Postal Employee Development Centers reveals a management concern with the automation and cost-effectiveness of instruction.

The Civil Service Commission is promoting use of IT throughout Government. Commission workshops, showcases, products, and publications dealing with aspects of IT are increasingly evident. One of the newest products in support of the IT concept is an employee orientation series available in both videotape and film format (see vol.

17, no. 1 of the *Journal*, "Working for the United States," pp. 26-28). In addition to efforts such as these, CSC's Bureau of Training makes persons specializing in aspects of the systems approach to instruction available for consultation and assistance to other agencies in Government.

The Bottom Line

Substantial reductions in total program time, staff time, and travel and per diem costs are among the payoffs for successful use of IT. For example, at Internal Revenue Service, redesign of a technical training program is cited as resulting in reduction of total training time from 32 to 25 weeks (2½ weeks in classroom time, the remainder in on-the-job training time).

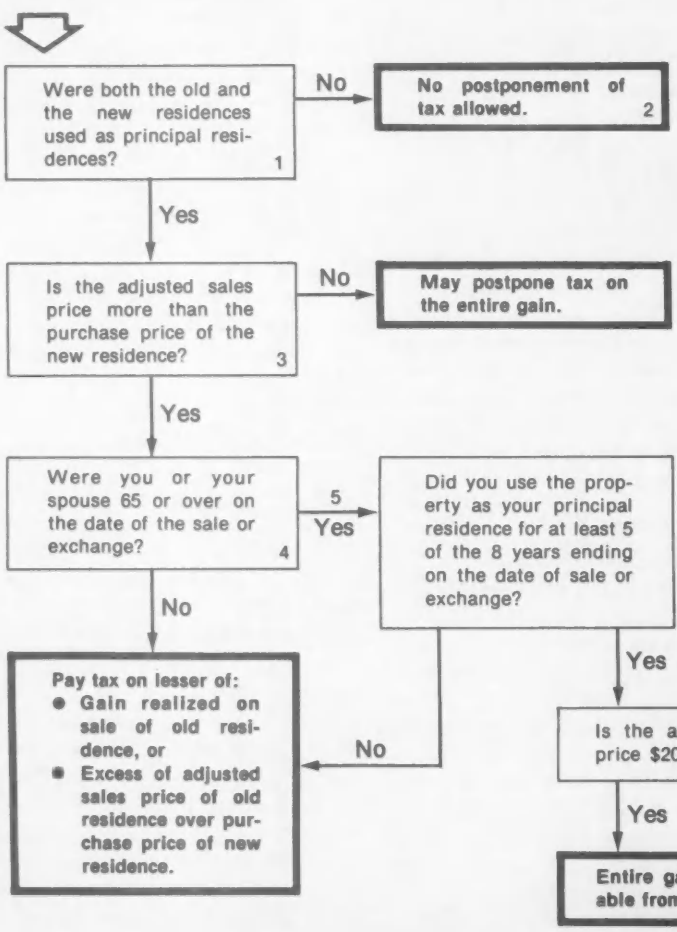
Because this training system brings new employees up to full performance faster than the previous system, IRS has translated the efficiency improvement into annual savings of $1,212,000 in operational staff time devoted to training.

In addition, the revised program resulted in direct yearly savings of $360,000 in reduced travel and per diem costs.

Not all agencies have training programs extensive enough to offer the potential for improvements of this magnitude. But, whether applied to large programs or small, IT offers Federal managers a powerful tool for improving the efficiency and effectiveness of their organizations.

Example of IRS's Thumb-Indexed Decision Tables For Use by Volunteer Tax Assistors

Chart 21—Sale of Home



Notes for Chart 21

1. New, or replacement, residence means either:
   a. A home purchased within the period beginning 18 months before and ending 18 months after the date of sale, or
   b. A home constructed within the period beginning 18 months before and ending 24 months after the date of sale of the old residence. (Expenses going beyond either time limit may not be used in computing cost for the purpose of determining the postponement.)
2. In some transactions involving the sale and purchase of personal residences you may be given special tax treatment if you purchase a home for more than the selling price of the old one. The tax is postponed, not forgiven. See Publication 17, ch. 27.
3. Adjusted sales price equals: Selling price—Less: Expenses of sale, and fixing-up expenses.
4. Only one person must meet the age requirement to qualify.
5. This exclusion may only be taken once in a lifetime.
6. Refer to Form 2119, or a Taxpayer Service Representative. See the Publication mentioned above for the way to report your income.

CSJ

SPOTLIGHT ON LABOR RELATIONS

Symposium for
Labor Relations Executives

The seventh annual Collective Bargaining Symposium for Labor Relations Executives was held at the Federal Executive Institute in Charlottesville, Va., in the latter part of 1976. The focus of the Symposium sponsored by CSC's Labor Relations Training Center and the Office of Labor-Management Relations was on management utilization of the collective-bargaining process.

Keynoting the Symposium were CSC Vice Chairman Georgiana Sheldon and Bernard DeLury, Assistant Secretary of Labor for Labor-Management Relations (A/SLMR).

The Vice Chairman spoke to the responsibilities of agency Labor Relations Directors for awakening their top management to the challenges of labor relations. She warned that unless management develops more awareness in this area, "it may not function at all and someone else will move into the vacuum" and deal with the unions.

Assistant Secretary DeLury underscored the high priority top management must give to living up to its responsibilities under Executive Order 11491, as amended. Turning to his own operation, he complained of a 2-year backlog in case work—which delays the third-party process to the disadvantage of agencies, unions, and employees alike.

Tony Ingrassia, Director of the Office of Labor-Management Relations, noted that the issues of "compelling need" and unit-consolidation—tied to the 1975 Amendments to E.O. 11491—still have not begun to be resolved. He concluded that the program is not going to undergo significant change for awhile because of the public "backlash" against all public employees, including Federal. Therefore, he advised, the parties should get down to the business of problemsolving under the existing program and get away from legal gamesmanship.

In panel discussions of the expanding influence of GAO and the Comptroller General in the labor-management program, the participants agreed that this influence is being felt in all areas of the personnel system. They noted that labor relations has impacted as heavily on the Comptroller General as he has on labor relations—especially in the area of grievance-arbitration under negotiated procedures.

In a discussion of the role of the Labor Relations Officer in policy formulation, it was felt that the advent of "compelling need" has tended to bring the LROs into more direct discussions with top agency management. Policy making as a product of competing forces means that the LRO's influence is proportional to management's view of union impact.

Mike Bolger, Chief of Representation and Adjudication in the Canadian Treasury Board, was the featured speaker on work stoppages and contingency planning. He spoke on the Canadian experience with unions being permitted to choose between binding arbitration and the right to strike for public employees. Increasingly, he said, Canadian unions are choosing the strike route. As a result, the courts are clogged with cases because it was never determined which employees may *not* strike because of impact on public health and welfare.

A panel on Federal compensation reported on the key recommendations of the Rockfeller Pay Report and CSC's follow-up efforts in this area. Reports were also heard on the Factor Evaluation System, and agency experiences with negotiated pay where it is subject to collective bargaining. Other panels discussed Federal sector arbitration, appeals criteria, and the impact of State and local bargaining on the Federal sector. Also discussed was the impact of the Fair Labor Standards Act and the Privacy and Freedom of Information Acts on the labor relations program.

Symposium participants concluded that despite its complexities and interfaces with systems outside Executive Order 11491, as amended, collective bargaining can be an important and beneficial tool for a management that is aware enough and willing enough to use it to the agency's best advantage. This doesn't mean legal gamesmanship; it doesn't mean leaving labor relations solely to the labor relations specialists. It does mean an awareness and involve-

ment from the agency's top leadership all the way down the management line in good faith dealings with labor organizations—the keystone to meeting management's responsibilities under the order.

The Council's Yuma Doctrine

In its decision in *Bureau of Reclamation, Yuma Projects Office* (FLRC No. 74A-52, September 17, 1976), the Federal Labor Relations Council has disposed of two major policy questions under E.O. 11491, as amended:

(1) The applicability of Section 19(d) with regard to different forums in contesting unilaterally-altered competitive areas; and

(2) The obligation of management to bargain with respect to a change in the established competitive areas during the pendency of a representation (RA) petition filed by the agency to sort out unit recognition.

The agency had reorganized two offices, each represented by a different union, into one; and then unilaterally changed the competitive areas for RIF purposes. The change came during the pendency of its RA petition. The union representing the employees laid off in a subsequent RIF there filed an unfair labor practice complaint with the Assistant Secretary. At the same time, the employees affected by the RIF appealed to the CSC to challenge the new competitive areas.

A/SLMR ordered the activity to reestablish the prior competitive areas, to reevaluate RIFs made after the change, and to reinstate with back pay any employees found to have been improperly laid off. Meantime, the Commission's Board of Appeals and Review, acting on the individual employee appeals, held that the agency's revised competitive areas were not in conflict with CSC regulations, and rejected the appeals.

In its decision on the agency's appeal from the Assistant Secretary decision, the Council ruled that A/SLMR could deal with the unfair-labor-practice complaint before him only insofar as it dealt with the *union's* rights under the order. Since the affected *employees* had rights under a statutory appeals procedure, the Council said, any individual remedies could be granted only under that procedure. Thus, the Council ruled that the Assistant Secretary could not direct remedies for individual employees even if he found a denial of union rights, since the employee's appeal had been ruled on by the CSC in accordance with the statutory appeals procedure—the exclusive forum available to them.

The Council further ruled that agency management under the circumstances of this reorganization case had an obligation to maintain existing recognitions, including negotiated agreements and dues withholding arrangements, "to the maximum extent possible" while the representation (RA) issue was still pending. The Council rejected A/SLMR's "overriding exigency" test on maintaining the status quo in this case, and remanded to the Assistant Secretary the question whether the agency had violated union rights under the order in altering the RIF areas—measured against the Council's standard for maintaining existing conditions to the maximum extent possible in these circumstances.

The Council advised that its decision was designed to maintain the integrity of separate appeals and complaints channels, while allowing management the flexibility to act if it has considered employee views by offering the unions an opportunity to bargain, and to take necessary actions where they are required.

—Heather Sullivan

BRINGING SUPERVISORS IN FROM THE COLD

by Ada R. Kimsey
Office of Public Affairs
U.S. Civil Service Commission

EVERY DAY, Steve Van Rees, supervisor of 35 as chief of the Civil Service Commission's Publications Section, runs a fast track. He and his staff produce both goods and services—publications, editorial advice, and transmittal of publications to contract printing firms. He makes no specific effort to dole out his time. That wouldn't work. But his day gets roughly divided into three parts: He talks informally with supervisors on his staff; he meets the spur of the minute crises the job brings; and he structures it all against his list of aims for the week.

He supports his staff. "They're good people," he says, "they're performing above average." He expects that.

Ambitious? Yes, but mainly for the job, not for himself. If the job goes right, he'll be o.k.

Another supervisor, Charles Murphy at HEW, puts it another way. Murphy bases his decisions on long-term considerations, professionally made. Some decisions may make him unpopular in the short run, but Murphy maintains that this evens out, if the decisions are professionally made.

Both Van Rees and Murphy are members of a unique group in the Federal Government. They are supervisors. They and 280,000 like them—or about 10 percent of the Federal work force—occupy a pivotal position in the management of the public's business. Van Rees and Murphy understand that they are part of management, and are confident in that role.

Supervisors Unclear on Roles

They may be exceptional because it's clear that many supervisors are not sure about their status. They don't see that they serve as the major point of contact, the link, between higher management and the work force. Why? In the opinion of some supervisors, they have been neglected as essential members of the management team. In too many agencies, supervisors perceive themselves as the forgotten, unsung members of management. In their view, management often doesn't recognize that the supervisory link is critical to efficient, economical operation of the Federal Government, and needs special, continuing attention.

Supervisors report that they just don't get adequate word on policies and goals, the "why" of what they are expected to do, or feedback on progress. They tell of making personnel decisions only to be undercut—as they see it—by higher level managers. It comes down to communication—or lack of it. It comes to lack of management commitment to communicate and support.

Government Takes Steps

But there are signs that help is on the way. In recent years, there have been several significant moves to spur agencies to strengthen that vital supervisor-management nexus, and to ensure that top management backs up the supervisors. The main document, and basis for related programs to enhance the supervisory role, is Chapter 251 of the Federal Personnel Manual on Intramanagement Communication and Consultation.

Although supervisors are excluded from bargaining units, they can participate in supervisory organizations. Chapter 251 provides for agencies to set up systems of intramanagement communication and consultation with supervisors and their associations.

Such systems are designed to achieve:

—improvement of agency operations

—improvement of supervisors'

working conditions

—exchange of information

—improvement of managerial effectiveness

—establishment of policies that best serve the public interest in achieving the agency mission.

Thus, mainly by means of this chapter, the Government emphasizes the importance of intramanagement communication and consultation. It looks to the agencies to make sure their regulations stress improving relationships with supervisors and including supervisors in the decisionmaking process.

In a new bulletin (No. 251-3), on "Improved Communications With Supervisors and Associations of Supervisors and Management Officials," the Civil Service Commission reports to agencies on its survey of their dealings with supervisors (per FPM Chapter 251).

Executive Order 11491, as amended, Labor-Management Relations in the Federal Service, clearly identifies supervisors as part of management. Stated the Study Committee Report which led to the Executive order, supervisors "should be and are part of agency management and should be integrated fully into that management."

The importance of involving supervisors in management decisionmaking is underscored in the CSC/OMB Guidelines for the Management and Organization of Agency Responsibilities Under the Federal Labor-Management Relations Program (FPM Supplement 711-1, Appendix B): "Sound labor relations is a line management concern. Since the line supervisor/manager so deeply affects labor relations policy and in turn is so deeply affected by that policy and by the provisions of negotiated labor agreements, agency management should provide that sufficient and appropriate responsibilities and authority are delegated to the line supervisor/manager in order . . . to direct the work force within the terms of a negotiated agreement and represent higher level management in a labor relations capacity."

In addition to the labor relations program under E.O. 11491, the Federal Government has moved ahead under related programs aimed at integrating supervisors fully into the management team. For example, proper training is essential for supervisors to do a proper job. Currently, at least 80 hours of training are required for the new supervisor. These requirements are found in the Federal Personnel Manual, Chapters 335 and 410-A.

Additionally, through a recently revised classification standard for supervisors under the General Schedule, a "minimum core" of supervisory responsibilities was set up for the first time. And as CSC Bulletin 938-4 noted, the new definition of supervisor found in that revised Supervisory Grade-Evaluation Guide is more demanding.

Also important in defining a supervisor and in pinpointing supervisory duties was the change in titling instructions in the Introduction to Position Classification Standards. The revision restricts the use of supervisory titles, thus specifying supervisory duties more precisely.

To help supervisors in their work, a variety of special programs is now offered. The Civil Service Commission started a bi-monthy newsletter, *The First Line*, a Newsletter for Federal Supervisors and Midmanagers, in mid-1976.

A half-day session for training supervisors in employing the handicapped, and issuance of booklets such as *The Supervisor's Guide to Labor Relations in the Federal Government* or *A Supervisor's 15-Minute Guide to the Federal Incentive Awards Program*, show the Government's awareness that the supervisor can be the key to success in these programs. In addition, the Civil Service Commission's Labor Relations Training Center and Regional Training Centers offer a three-day course for supervisors titled: "Labor Relations for Supervisors and Managers." This course is designed to prepare line supervisors and managers to deal with the union steward in everyday situations.

A new videotape/film program series "Working for the United States," while aimed to orient new employees, also includes important information on the role of the supervisor. These are just a few of the items and projects underway to assure that agency operations are improved through due regard for the supervisory role.

How Important Are Supervisors?

Why should Government emphasize this role? Why should Federal managers and personnel people acquaint themselves with the variety of Federal initiatives to support supervisors?

First, let's take a look at the supervisors' place. The Federal Government employs white-collar supervisors under the General Schedule, and blue-collar supervisors under the Federal Wage System. But they all occupy a special place in the management chain.

And it is safe to say that, whatever the setting or rank, the white-collar and blue-collar supervisors have much in common. The supervisors in the civilian setting and in the military have many similar problems, as do the supervisors of professional and technical employees and the clerical staff supervisors. The supervisor sits at the crossroads between the agency planning operation and the production of goods or services. A

supervisor can be seen as a liaison, a communications channel, a conduit, a translator, even a go-between, for higher management and the rank and file.

Peter F. Drucker says that "Supervisors are . . . the ligaments, the tendons and sinews of an organization. They provide the articulation. Without them no joint can move. It is the supervisor's job to be in the middle."

Federal supervisors do more than get the work out. They are in the main, managers of personnel. They "set the tone" in their offices and shops. Along the way, they play crucial roles in the success of special initiatives. In labor-management relations; in equal employment opportunity; in incentive systems; and in many other areas, their finesse and understanding are essential to carrying out both the spirit and the letter of major programs.

Although the supervisor deals with higher management, on the one hand, and with employees, on the other, the link with employees may be the more clear-cut. Handing on and interpreting management policy directives, then eliciting a response in the form of on-the-job conduct and work products makes up the supervisor's daily agenda. The supervisor must ensure that both the work product and the atmosphere of the work place reflect these policy directives.

At the same time, the supervisor is sending messages about the work place to higher management—or should be. Work accomplished, employee attitudes, accident rates, turnover rates, problems—these are the topics which the supervisor reports on, or should. The supervisor can and should act as an "early warning system" in management. The information supervisors play back to higher management can be invaluable in setting mission objectives and administering program operations. But the supervisor needs a clear channel of communication and the assurance that the rest of management is indeed listening and considering. The supervisor needs to see where and how these messages are used. Top management's support and response are crucial here. Effective two-way communication is vital.

It is equally crucial for management to be knowledgeable in and to use the array of programs specified by the Government to carry out its intent to support supervisors.

Supervisors and the "Efficiency Connection"

How are the agencies carrying out the intent of the FPM Chapter 251 to include supervisors on the management team? How do such efforts help achieve good supervisory performance, efficient agency operation?

Paul E. Wright of the Civil Service Commission's Bureau of Personnel Management Evaluation points out the tie between good supervisory performance and efficient agency management. It's to the agency advantage to support and develop its supervisors. This bureau develops reports on agency personnel management effectiveness. "You see," says Wright, "if something isn't working right we say it's the supervisor's fault... invariably if employees have misunderstood, or if they haven't gotten the word, we blame the supervisors." Yet, supervisors don't work in a vacuum. Wright notes that in agencies where things have worked right, you find good supervisory performance, supported by higher management. In those agencies, top management is willing "to pay the price," according to Wright, "in time, effort, and planning to produce better performance. The supervisor must be supported, understood, and trained by management all the time, not just now and then," says Wright.

Wright points to the ambitious restructuring one small agency is undergoing. A major area for upgrading effectiveness is supervisory/managerial training. Special training seminars and newsletters can contribute to the improvement project.

According to Charles Feigenbaum of CSC's Office of Labor-Management Relations, there appears to be substantial improvement at the field level with regard to identifying supervisors as part of the management team. Three years ago, a special-purpose study conducted through the Commission's Regional Offices found that *more than half* of the activities surveyed thought there was a problem of lack of supervisory identification as part of the management team, and that it was serious. In a comparable study done in August 1976, *just a fourth* of the activities reported problems concerning supervisory identification with management. "It appears that there has been significant progress," Feigenbaum says, although in some activities this problem is still perceived as a chronic condition which will require continued treatment for further improvement.

One way of enchancing supervisory identification with the management team is to get the supervisors' input in defining the agency's mission, which in turn determines the quality of its supervisors' performance in achieving that mission. In agencies where the mandate from top management is unclear, or where duties are tacked on without supervisory input, problems are reflected down to and through the supervisors.

Supervisors and the employees they supervise can pinpoint qualities making for job success. One employee said that his personal nominee for oustanding supervisor, his ex-boss, was skillful at assigning work, facilitated employees' training, and best of all qualities, "made a bunch of incompatibles get along."

Some supervisors are known for expertise in certain areas. For example, Otto Kirse, a former supervisor, of the Federal Maritime Commission, won an EEO participation award. Why was he so successful? Kirse says that the starting point was his conviction that the program was right. From there, he emphasized working with individual employees; encouraging proper training; and creating an atmosphere of receptivity and encouragement. And Kirse himself received special training in management.

Training for Supervisors

As noted, the Civil Service Commission requires 80 hours of training for new first-level supervisors. Such courses as "Introduction to Supervision," "Supervision and Group Performance," and "Basic Management Methods and Skills," as well as the labor relations seminar mentioned earlier, are found on the CSC training schedule which can be used in meeting this requirement. But not all the training need be classroom hours.

"Classroom training is only one way to get the skills and knowledge you need in a new supervisory job," notes Richard McCullough of the CSC's Bureau of Training in *The First Line*, the newsletter for supervisors and midmanagers published by the Civil Service Commission. For example, skills and knowledge already achieved can be assessed and count toward the 80 hours. It all depends on what the supervisor needs to make good in the new job.

As for response, figures for Fiscal Year 1974 show that veteran and novice supervisors signing up for training—through their agencies and through the Civil Service Commission — totaled 35,271. CSC's position is that anyone who is in fact filling a bona fide supervisory job should have a chance at special training.

Supervisors Report

What do supervisors say? When queried about content for the new newsletter, *The First Line*, supervisors said they wanted to see a series on the personnel management responsibilities of supervisors, dealing with performance evaluations, position classification, merit promotion, equal employment opportunity, etc. Most (92 percent) wanted a question and answer series on employee rights, benefits, and responsibilities (such as retirement, life insurance, health benefits, labor relations program, incentive awards, EEO, etc.). Eighty-three percent wanted to read about case studies of problem situations, with suggested solutions.

Article selection for the first issue (June-July 1976) was based on tests of supervisors' preferences. Most popular with the test group were items on the Privacy Act, incentive awards, EEO complaints, and position classification.

Responses showed that supervisors were sensitive to communications problems with employees above and below them on the agency ladder. They reported their lack of knowledge on regulatory, policy, Executive orders, and legislative changes.

Many important activities are underway, and progress is seen. Yet there is still much to be done to ensure true intramanagement communication and consultation. A recent Civil Service Commission survey (reported in Bulletin No. 251-3) showed agency effort to implement chapter 251 is still in the early stages. Slightly more than half (54 percent) of the agencies responding had issued no communication and consultation regulations. Nonetheless, formal policy statement or not, every agency reporting arranges for some type of communication method, such as staff meetings, house organs, etc. Moreover, about half of the reporting agencies said that they included intramanagement communications and consultation in their program review and evaluation agendas.

That bulletin goes on to urge agencies to develop "innovative and noteworthy ways" to improve strong supervisory identification with management. Some examples:

—supervisors' handbook—addressed to the new supervisor, the manual would be a round-up of the supervisor's duties in EEO, labor-management relations, performance appraisal, etc.

—special incentive awards for excellence in supervision

—speedy communications network, or "hot line" for important news—such as new labor contract provisions, major policy and/or personnel changes

—supervisory questionnaires—to ascertain supervisors' opinions, problems, and suggestions

—including supervisors on management recruitment and evaluation teams

—system to solicit comments on supervisors' training courses.

In sum, the supervisory function reflects the best and worst of an agency's management. An indispensable component of agency effectiveness is support for the supervisor, reciprocated by the supervisor's willingness to accept responsibility and to train for improved performance.

And it is clear that unless the supervisor is made to feel a part of management and treated as such, Government operations cannot attain maximum efficiency. CSJ

THE AWARDS STORY

In recent years Federal managers and executives have been leaving Government in unprecedented numbers. As the recent Report of the Commission on Executive, Legislative and Judicial Salaries clearly showed, pay compression has been a major reason for this drain on our leadership team. Also, there has been insufficient emphasis placed on using the management review process to identify outstanding managerial performance and to recognize top program managers through awards.

Proposed legislation is being drafted to forge a direct link between outstanding managerial performance and total compensation. In the meantime, a number of Federal agencies have taken the initiative and established special programs of cash awards under which managers and executives, whose accomplishments clearly exceed normal requirements, receive tangible recognition of their contributions to their organization and the Federal Government. These programs are administered within the framework of the Federal Incentive Awards Program and the Civil Service Commission encourages agencies to develop and implement them.

Agencies which, until now, may have been reluctant to provide for cash awards to executives because of difficulty in determining the extent of performance beyond job responsibilities, will find the May 1976 revision of FPM Chapter 451, on incentive awards, helpful. This revision includes guidance on determining job responsibilities, as well as a new appendix on executive recognition (Appendix C), which encourages agencies to grant both monetary and honorary awards to executives for superior performance and achievements.

Agencies which already have taken action to provide tangible recognition to their outstanding executives include:

National Aeronautics and Space Administration, which revised its awards regulations in March 1976, providing new awards scales and giving new emphasis to awards for executives. (During the balance of Fiscal Year 1976, ten awards of $5,000 each were granted to such NASA executives as the Comptroller, General Counsel, and the Director of the Johnson Space Flight Center.)

Nuclear Regulatory Commission, which selects one executive annually to receive an award up to $3,000 based on considerations such as extent of overachievement of established program goals and objectives, and management of personnel, funds, space, property, and supplies.

Veterans Administration, which is preparing procedural instructions on executive recognition.

In addition to these planned programs, many agencies granted substantial monetary awards for performance to managers and executives during Fiscal Year 1976. Information furnished to the Civil Service Commission by agencies shows that the majority of cash awards over $1,000, granted for superior performance during Fiscal Year 1976, went to employees grades GS-14 and above, and equivalent, including two to employees in executive pay levels.

Recognizing outstanding executives in this manner may not solve the talent drain problem, but it is one method that can be used to reinforce exemplary leadership and encourage superior performance by other executives and managers in achievement of national and organizational goals. This, in turn, contributes to improving and maintaining the quality of executive leadership in Government.

—Edith A. Stringer

PERSONNEL RESEARCH ROUNDUP

THE CASE FOR WRITTEN TESTS IN FEDERAL EMPLOYMENT

This is the fourth in a series of articles addressing some of the questions raised about the use of written tests. Previous articles have addressed the need for written tests, their development, job-relatedness, validity, and utility. Before completing this series, it may be useful to the reader, and to those who take Federal tests, to have an inside look at the process that results in the ratings competitors receive. This article addresses scoring procedures and problems and how the comparability of ratings is assured.

Problems in Scoring and Rating Written Examinations

Test scores and ratings are probably the two aspects of testing with which people are most familiar. Indeed in many ways it is an obvious process. Tests measure abilities required for the job. The score is simply a number that represents how well the person performed on the test. That number must be at or above a predetermined point in order to "pass" the test. In Federal employment testing, that passing score is converted to a rating of 70 and scores above that point are systematically converted to ratings from 70 to 100. The score of a passing competitor who also meets the eligibility requirements of the job may be augmented by additional points, as appropriate, such as for veteran preference.

The final rating the competitor receives, then, represents how well he or she performed on the test and any additional points credited. The higher the rating, the better the chance for employment, as individuals are referred in the order of their rating.

It may be surprising, therefore, to learn that some intricate technical problems are associated with this seemingly simple process. For example, some of the problems not immediately evident are how different types of tests are scored, how passing scores are determined, how tests scores are combined into a single score, how scores on different forms of tests taken at different times and in different places are made comparable, and what the effects are of retaking the test. Though these may not seem to be matters of significance, they are in fact extremely important in ensuring the validity, job-relatedness, and fairness of tests. They further represent the importance of exercising professional expertise and judgment in every aspect of the test development process.

How Tests Are Scored

The manner in which the number of items answered correctly is used to determine the test score depends upon whether the test is a "power" or a "speed" test.

In power tests, sufficient time is allowed for almost all competitors to answer each item, but the items differ in difficulty. Usually, the score is simply the number of items answered correctly (rights-only score), as that is how power tests differentiate among competitors.

In speed tests, on the other hand, the items are all of equal difficulty, but few competitors can complete them all in the time allowed. As a rule, therefore, the score is the number answered correctly minus a proportion of those answered incorrectly (formula scoring). The proportion used is based on the number of alternatives for each item. This is done to correct for the probability of correct guesses by chance since speed tests differentiate among competitors by the number of items they are able to answer correctly and quickly. The directions to competitors should indicate explicitly which procedure is being used.

Comparability of Test Scores

Test scores, once obtained, are used to compare the relative abilities of two or more competitors. Therefore, the test scores must be compared to some standard reference. Because most Federal written tests are given at different places and times to thousands of competitors over a period of several years, it is customary to have several alternate forms of each test. To ensure that the test scores are comparable, all the forms of a test are made comparable and administered in a standardized way.

In order to make alternate forms comparable, it is necessary to base them on the same reference. There are two reference bases which can be used. These are criterion reference and norms reference. Which reference is used depends largely on the nature of the characteristic being assessed. Concrete or observable knowledges, skills, and abilities (such as automobile driving or typing) can be compared to a criterion level of performance, i.e., criterion-referenced. More abstract and complex knowledges, skills, and abilities (such as verbal ability or logical thinking) are compared to the test performance of a representative group of competitors, i.e., norms-referenced.

Setting a Passing Point

The reference for a test influences the selection and meaning of a passing point. For criterion-referenced tests, it should be a straight-forward procedure to determine which or how many components of the criterion must be present for a competitor to be minimally qualified. For example, in a typing performance test the number of words to be typed correctly within a certain time limit, in order to "pass" can be specified. For norms-referenced tests, however, it is not clear how one can determine from the number of items answered correctly which scores would distinguish qualified competitors from unqualified competitors. For norms-referenced tests, it would be technically preferable to have no passing point. A valid examination will still rank competitors in relative order of merit.

However, passing points are necessary in Federal employment for both legislative and administrative reasons. First, the Veterans' Preference Act states that competitors receiving passing scores will have their ratings augmented to reflect military service. (It is interesting to note in this regard that requiring a passing score in order to be eligible for veteran preference suggests that Congress did not intend employment preference for competitors with little probability of job success.) Second, competition should be limited to a reasonable number of the highest ranking candidates for administrative reasons. It facilitates the selection process and more realistically informs competitors of their chances for employment.

For these reasons, carefully considered passing points are established for norms-referenced tests. Although this varies with the use and statistical characteristics of tests, it is always set well above the chance level, i.e., the number which could be answered correctly by guessing alone. More commonly it is set near the average of the scores of the competitors who were used as the reference group. Unlike private employment, where the passing point may vary with the availability of applicants and job openings, passing points usually remain stable in Federal examining so that comparability may be maintained over time.

Combining Test Scores

When two or more measures of ability are required, there are two possible ways to combine them into a single score. These are the *multiple cutting scores* precedure and the *compensatory composite* procedure. The former requires a competitor to achieve a certain level of performance on each tested ability, that is, to pass each of several successive "hurdles." The latter requires that the sum of all scores reach some minimal level. This allows lower scores on some abilities to be compensated for by higher scores on others.

Multiple cutting scores are more appropriate when all the abilities can be measured with a high degree of reliability and are relatively unrelated to each other. For example, to earn eligibility for certain law enforcement positions, a competitor would have to show both a minimal level of verbal ability *and* physical fitness. The compensatory composite procedure is more appropriate when the degree of reliability with which the abilities can be measured varies and/or the abilities are interrelated. For example, for many technician positions in the Federal service, the sum of the scores on several tests is used because the abilities measured are moderately interrelated.

There are occasions when scores from different tests are weighted differently before being combined into single scores. This is done when there is evidence that some jobs or job classes require different degrees of the abilities measured. For example, in the Professional and Administrative Career Examination (PACE), ability test scores are combined in six different ways for six different families of occupations. When combinations are used, it is possible for com-

petitors to obtain passing scores and be eligible for some, but not all, job classes or occupational groupings. When the tests are interrelated, however, this will occur with only a small proportion of competitors.

Recompetition

A rating reflects a competitor's potential for job success, and the value of a rating should not change unless the competitor's potential changes. However, ratings can change with recompetition, although an individual's test scores typically do not fluctuate greatly from one testing time to another.

When the test scores do change with recompetition, the current U.S. Civil Service Commission policy is to retain the higher rating. This is statistically risky since it is more likely to inflate the individual's score with some of the error normally found in measures. It might be technically more desirable to report all obtained ratings. However, it is not statistically clear which score is more accurate and should be used for the rating. It is also unclear what psychological impact the opportunity to recompete presents to the competitor.

Studies of recompetition are in progress to clarify these issues. Until they are better understood, it seems fairer to individuals to retain the higher rating. This is acceptable because there is little fluctuation from one time to another.

Summary

This paper has addressed certain aspects of tests that most people take for granted. The discussion of scoring, combining, weighting, and ensuring comparable tests makes it evident that even seemingly commonsense decisions must be made on sound technical bases in combination with expert judgment. It is also evident that the research and development process does not stop when the test is completed. Federal tests are continually monitored and studied in order to assure their continuing validity and job-relatedness.

—Hilda Wing

easy access to the

APPEALS INFORMATION SYSTEM

by Connie Gargan
Federal Employee Appeals Authority
U.S. Civil Service Commission

AS PART of the reorganization of the Government-wide appeals system, the Commission authorized the Federal Employee Appeals Authority in July 1974 to develop and administer an appeals information system. The system encompasses the activities of both adjudicative bodies of the Civil Service Commission—the Federal Employee Appeals Authority and the Appeals Review Board.

The introduction of such a system recognizes the need to provide easy access of Federal

employees and agencies, unions, veterans' groups, and the general public to information concerning the appeals process and to the various appeals decisions on record.

Indexing and Reporting

There are two distinct parts to the Appeals Information System. The first is an indexing and reporting system that provides access by subject matter to appeals decisions through a variety of publications. One of these is a monthly publication, *Digest of Significant Decisions*; one is an overall *Index to Significant Decisions (1970-July 1975)*; and one is a quarterly, *Index to Appeals Decisions*.

The *Digest of Significant Decisions* contains summaries of significant decisions of both the Federal Employee Appeals Authority and the Appeals Review Board. The cases so digested are those considered significant in terms of an unusual fact situation, or as an application of policy, regulation, or law that is precedential in nature.

A mailing list is maintained for this publication. Individuals and organizations interested in receiving it on a regular basis may contact the headquarters office of the Federal Employee Appeals Authority, 1900 E Street, NW., Room 300H, Washington, D.C. 20415.

The *Index to Significant Decisions* provides access by subject to selected appeals cases that were decided during the period 1970 to July 1975. It is updated periodically to include new cases published in the *Digest of Significant Decisions*. Copies of the *Index* are available from FEAA headquarters and at each of the FEAA field offices.

The *Index to Appeals Decisions* categorizes decisions by type of appeal, reason for the action taken, and major issues involved in the case. It also provides a table of cases, which permits the researcher to determine subsequent ARB, Commission, or court action on an FEAA decision.

The *Index* was designed to be used in conjunction with a microfiche file of decisions. The microfiche file and the *Index* are available for public use at each of the FEAA's 11 field offices, at FEAA headquarters, and in the Civil Service Commission library. Equipment is available to view the filmed decisions and, when needed, to produce full-scale photocopies of individual decisions. Decisions appearing in the microfiche file have been depersonalized to remove all information that would indentify the appellant. The file of decisions is updated quarterly to correspond with revised editions of the *Index*.

Management Information System

The second part of the Appeals Information System is a computerized management information system, which produces statistical reports concerning appellants, the processing of appeals, and appeals decisions. Currently only the FEAA subsystem is operational. However, full

implementation of the ARB subsystem is expected by the end of fiscal 1977.

The statistical reporting system provides valuable management information not previously available through a manual count system. This information, which is essential to management of FEAA, includes reports that allow us to evaluate each field office and the system as a whole in terms of processing time, productivity, number and percentage of cases with hearings, geographic location of the hearing, and the number and types of cases by agency. These facts help us to determine proper allocation of resources; levels of staffing; areas needing improvements in the processing of appeals

cases; and the overall efficiency of each field office operation.

In addition, we are obtaining data on the actions appealed and the affirm and reversal rates on such appeals. These reports have been important analytical tools for assessing progress toward reaching our goal of issuing fair, equitable appellate decisions in a timely manner.

The Cause of Good Government Is Served

Establishment of the Appeals Information System is a recognition of the fact that good personnel management requires both employees and management to be knowledgeable about the rules, regulations, and policies affecting the work environment. It is also a way of spreading the word about the remedies that are available if these rules, regulations, and policies are not properly applied.

FEAA is hopeful that the Appeals Information System will lead Federal employees and management to a better appreciation of what is expected of them as participants in good government. CSJ

Appeals
Information
System

LEGAL DECISIONS

In an earlier issue we discussed four decisions of the United States Supreme Court during the 1975-76 term that had a direct impact on the operations of the Civil Service Commission. During the same term the Supreme Court issued several other decisions, which while not directly related to Commission business, have an effect on personnel management in the public sector. The majority of these cases involved State and local government employee/employer relationships and, with a few exceptions, upheld the position of management.

In general, public employers were granted great latitude to deal with personnel questions. In *Kelly* v. *Johnson* and *Quinn* v. *Muscare*, the Court upheld the right of local police and fire departments, respectively, to regulate such matters as the length of hair and the wearing of a beard. The cases are not clear on the question of whether such regulation by the State would extend to non-police or fire civil servants; however, the Court did note that the burden was placed on the employee to show that the governmental regulation in question was "so irrational that it may be branded as arbitrary."

Local jurisdictions were allowed to place further restrictions on their employees in several other cases. In *McCarthy* v. *Philadelphia Civil Service Commission*, the Court affirmed the action of the city of Philadelphia in requiring firemen to be residents of the city at the time of their appointments and to remain residents thereafter. Similarly, in *Massachusetts Board of Retirement* v. *Murgia*, the Court upheld the State of Massachusetts' mandatory retirement age of 50 for police officers.

The role of local jurisdictions was greatly strengthened in other cases. In *National League of Cities* v. *Usery*, the Court held that the Federal Government lacked authority under the Commerce Clause of the Constitution to legislate wages and hours for State and local employees. According to the Supreme Court, matters of internal governmental operation are reserved to the State and local governments by the 10th amendment to the Constitution.

The holding of National League of Cities would not prohibit, however, all Federal legislation aimed at the working conditions of State and local employees. It affects only those statutes passed under authority of the Commerce Clause. The 14th Amendment to the Constitution prohibits State action that interferes with the equal protection rights of State citizens, including employees. And Federal legislation passed under the aegis of that amendment would still be valid under the reasoning of National League of Cities. This position was affirmed by the Court in *Fitzpatrick* v. *Bitzer*.

During the past term, the Court also limited the rights of public employees to hearings in certain situations. After noting that striking school teachers are entitled to a hearing before discharge, the Court held in *Hortonville Joint School District* v. *Hortonville Education Association* that the locally elected school board may be sufficiently impartial for this purpose. This was true although the Court stressed that the hearing must be fair and presided over by an impartial adjudicator and the strike itself was precipitated by a breakdown in teacher/school board negotiations.

In *Bishop* v. *Wood*, the Court noted that its determination as to whether a particular State employee had tenure depends on the relevant State law or city ordinance rather than on how the court views the employment itself. Thus, a city ordinance providing for a 6-month "probationary" period, after which the employee would be classified as "permanent," did not provide tenure in the eyes of the Court because the district court judge had held that the ordinance made no provisions for a hearing.

If the local ordinance does not clearly provide for tenure, the employee has no constitutionally protected interest entitling him to a due process hearing upon termination. The State legislature or city council will decide when and if the public employee has tenure, not the court. Once having been decided by the State or local government, the court will then determine what rights attach.

Finally, the Court held that when a First Amendment right is involved, the public employer must demonstrate that its interest in effective government outweighs the employee's right to freely associate. Thus, in *Elrod* v. *Burns*, the Court, by a bare majority, held that patronage discharges of nonpolicy making nonconfidential employees because of their political beliefs is unconstitutional. Nonconfidential,

nonpolicy making employees who perform satisfactorily may not be discharged because of political beliefs even if they obtained their positions through patronage hiring.

Although some cases of general interest to the Commission will be before the Court during the coming term, there will not be nearly the number involving public employment that were decided last year. As of this writing, we are aware of three matters of general interest that the Court will consider this term. The Court will be determining questions involving disability insurance benefits for maternity purposes under Title VII; it will be considering what constitutes "business necessity" as an exception to making a reasonable accommodation for religious beliefs, also under Title VII; and it will be hearing a case concerning the rights of a probationary policeman who claimed he was "stigmatized" by his removal without a hearing. In future issues we will be reporting on the results of these and other interesting Supreme Court cases.

—Sandra Shapiro

APPEALS DIGEST

Adverse Actions

Enforced leave

Because of the appellant's conduct and frequent use of sick leave, the agency asked the appellant to undergo a fitness-for-duty examination. The appellant refused to do so, and after repeated unsuccessful attempts to have the examination conducted, the agency filed an application for the appellant's disability retirement and placed the appellant on leave, without his consent, until the retirement application was approved by CSC's Bureau of Retirement, Insurance, and Occupational Health. The employee appealed the agency's decision to place him in an enforced leave status.

The Federal Employee Appeals Authority field office to which the appeal was made noted that enforced leave can be considered a suspension only when: (1) the employee neither requested nor consented to the leave status; (2) the employee was ready, willing, and able to work during the period of enforced leave; and (3) the leave was used in a personal, disciplinary-type situation. Based on the record in this case, the field office then found that although the first of these criteria was met, the other two were not, and the enforced leave therefore did not constitute a suspension appealable to the FEAA.

The appeal was found to be outside the purview of the Commission's appellate jurisdiction. (Decision No. AT752B60199.)

Probationary period

The appellant appealed to the FEAA from his involuntary separation, effective less than a year after he received a career-conditional appointment. In effecting the separation, the agency had used the procedures set forth in part 315H of the civil service regulations, rather than those set forth in part 752B, based on its conclusion that the appellant had not completed his probationary period prior to his separation.

The FEAA field office noted, however, that the appellant had received another appointment in a different installation of the same agency more than a year prior to his separation; that there had been no break in service between the two appointments; and that both appointments were made to positions in the same line of work. For these reasons the field office concluded that under the provisions of subsection 315A-3(c) of the Federal Personnel Manual, the appellant's service in his prior appointment should have been counted toward completion of his probationary period, and that the appellant's separation therefore was covered under part 752B of the civil service regulations.

The action was reversed because of the agency's failure to follow procedures set forth in part 752B. (Decision No. NY752B60308.)

Reduction in rank

The appellee was reassigned following a reorganization within his agency. The FEAA field office found the reassignment action to be fatally defective because the appellee's relative standing within the organization had been lessened, thus indicating that a reduction in rank had occurred without the agency's following the procedural requirements of part 752B of the Commission's regulations.

In its request for reopening, the agency contended that the FEAA decision involved an erroneous interpretation of FPM Supplement 752-1, S1-4, and that the appeals officer ignored FPM 351, 2-6b(1). The agency asserted that the appellee was not reduced in rank because he was still performing the same duties and responsibilities; that the appellee supervised the same staff in fulfilling his responsibilities in the area of production; and that the appellee was simply reporting to a new position interposed between his old position and the position to which he reported prior to the reassignment.

The Appeals Review Board found that the FEAA decision did involve an erroneous interpretation of FPM Supplement 752-1, and noted that the question of reduction in rank in reassignment requires more than a simple review of the organization charts and working titles of the positions and the issuance of an SF-50. The Board concurred in the agency's contention that a reduction in rank does not occur through the introduction of an intervening layer of supervision when there is no change in the employee's position assignment.

After reviewing the position descriptions at issue, the Board found that the appellee's positions before and after the reassignment were substantially the same. Accordingly, the Board reversed the FEAA decision, concluding that appellee's reassignment was to a position equivalent to his former position and not to one subordinate to the position previously held. (Decision No. RB752B60468. [SF75260123].)

Refusal to accept assignment

The agency notified the appellant, in writing, that it proposed to reassign him to another position and that the appellant's failure to accept the proposed reassignment could result in his separation. Following the appellant's declination of the assignment, the agency issued a second notice in which it informed the appellant that he would be separated. The appellant appealed to the FEAA.

The field office noted that while the agency had given the appellant advance notice of his proposed reassignment to another position, and had warned him of the possible consequences of his failure to accept the reassignment, it had not given him a separate notice of proposal to remove him. It noted further that the only proposal notice provided to the appellant in connection with his removal was issued prior to the action by the appellant that gave rise to his removal.

Accordingly, the field office found that the agency had not provided the appellant with the advance notice required under section 752.202(a) of the civil service regulation, and that the action was fatally defective. Cancellation of the removal was recommended. (Decision No. SE752B60097.)

Suspension (30 Days or Less)

Timeliness of decision notice

The appellant appealed a suspension of 30 days to FEAA alleging that the agency had violated its own regulatory requirement for issuance of a notice of decision within 10 days after receipt of the employee's reply. The field office reversed the action based on its findings that the agency decision, issued 45 days after appellant's final reply, violated a written authoritative requirement of the agency, and this violation materially affected the appellant's right to be issued a timely decision.

The Appeals Review Board granted the agency's request for reopening and reconsideration of the case. The Board found that the field office decision contained an erroneous interpretation of the Commission's policy on corrective action in cases involving violation of agency adverse action regulations and an erroneous interpretation of the phrase "materially affected the appellant's rights." The Board noted that (1) an employee's rights are not necessarily materially affected whenever any agency adverse action regulation is violated; and (2) an agency failure to adhere to one of its pre-established time standards is only a minor irregularity in no way prejudicial to the employee's defense and is not a fundamental error that would require corrective action.

The field office decision was reversed. (Decision No. RB752C60018.) —*Paul D. Mahoney*

EQUAL OPPORTUNITY

The Civil Service Commission and the Departments of Labor and Justice recently announced the signing of employee testing and selection guidelines that will help eliminate job discrimination and assure equal employment opportunities. The new guides became effective on November 23, 1976.

The guidelines, entitled the "Federal Executive Agency Guidelines on Employee Selection Procedures," affect employment practices of the Federal Government, State and local governments, and Federal contractors and subcontractors, and are designed to provide consistent and practical guidance on fair employee selection procedures.

The Civil Service Commission will apply the guides to the hiring and placement practices of Federal agencies, and in carrying out its responsibilities for assisting State and local governments in improving their personnel practices.

The Labor Department will use the guidelines in enforcing Executive Order 11246, as amended, which prohibits Federal contractors from job discrimination based on race, color, religion, sex, or national origin.

The Department of Justice will follow the guidelines in enforcing Federal equal employment opportunity requirements.

The new guidelines will amend employee selection procedures in CSC's Federal Personnel Manual, and also replace the "Testing and Selection Order" issued by the Labor Department's Office of Federal Contract Compliance Programs, which administers Executive Order 11246, as amended. The guidelines will be adopted by the Department of Justice as an official statement of policy.

The guidelines were adopted by CSC, Labor, and Justice because: they are in accord with professionally accepted standards of test validation; Federal guidelines now in use are more than 5 years old and, therefore, do not take into account subsequent psychological and legal developments; the new guides are applicable to the Federal Government itself, as well as to Federal contractors and subcontractors; they are more practical and realistic than existing guides and provide more guidance to users seeking to comply with Federal law; and the new guidelines bring consistency to at least three Federal agencies and, thus, are a step toward achieving a uniform Federal position on employee testing and selection procedures.

The American Psychological Association, an association representing the nation's psychologists, welcomed the proposed new guidelines as "consistent with the best available knowledge concerning effective use of selection procedures in employment decision," and as "concise, realistic, and much needed."

The full text of the new document was published in the *Federal Register* of November 23, 1976.

—Ed Shell

WORTH NOTING

(Continued)

health programs were overhauled; and flexitime experiments were started.

☐ GROUNDS FOR ARBITRATION defined: Federal arbitration awards are reviewed only on specific and limited grounds, according to the Federal Labor Relations Council. In addition it noted that, like the courts in private-sector arbitration, " it is loathe to interfere" in the arbitration process.

The Council reiterates that it will grant review where the arbitrator's award appears to violate applicable law, appropriate regulation, Executive Order 11491, or other grounds similar to those applied by the courts in awards involving the private sector.

☐ ROCKEFELLER HONORS six civil servants: Former Vice President Nelson A. Rockefeller presented the President's Award for Distinguished Federal Civilian Service to six outstanding career employees January 12 in the East Room of the White House.

Receiving the highest honor granted to a member of the Federal career service were Dr. Ernest Ambler, Department of Commerce, an internationally recognized scientist and scientific administrator; Lawrence S. Eagleburger, Department of State, an eminent Foreign Service Officer; Dr. Alfred J. Eggers, Jr., National Science Foundation, a distinguished scientist; E. Henry Knoche, Central Intelligence Agency, a distinguished foreign intelligence professional and manager; Dale R. McOmber, Office of Management and Budget, an exceptionally able and dedicated career administrator; and Barbara Ringer, Library of Congress, one of the nation's foremost authorities on copyright law and international copyright issues.

☐ EMPLOYEE REPRESENTATION clarified: Employees have the right, under Executive Order 11491, to union representation when summoned to formal discussions with management on such matters as grievances, personnel policies, and other matters affecting general working conditions of bargaining unit employees.

But when they are called to "nonformal investigative meetings or interviews," this right does not apply under the Executive order, according to a recent statement by the Federal Labor Relations Council.

Although they do not have a right under the order to union representation at nonformal investigatory meetings or interviews, including counseling sessions, which affect them individually (even when they reasonably fear the meetings may lead to discipline), the Council points out that this right could be provided under a negotiated agreement.

In announcing its policy interpretation of the order, the Council noted that Federal employees benefit from a number of safeguards during the disciplinary process not generally available in the private sector. For example, adverse actions are subject to the rigid requirements of law and regulations, which specifically include the right of representation on appeal to the Civil Service Commission from agency actions.

☐ AN ADVERTISEMENT for ourselves: One of the below is more accurate.

(1) Federal employees are drones and do little but shuffle around papers in quadruplicate.

(2) Federal employees are productive and inventive, carrying important, but unsung jobs; many wear forest ranger uniforms, space suits, or lab coats.

Many would check the first statement. The second is closer to the truth, as "An Inventive Bunch"—a new slide presentation—demonstrates.

The slide/tape program depicts such crucial contributions by Federal employees as development of radar, putting the sky lab into orbit, and recent innovations leading to the integrated circuit. The program runs 13 minutes and is available for free loan.

Federal employees and the public should enjoy the show. Employees may get new insight into the proud tradition of public service, while the public may gain new awareness of the array of unique, vital services performed by Federal staff.

It can be shown in a variety of ways with a standard slide projector.

The show is easily available. For free loan, contact any Civil Service Commission area office (check your phone directory for the address). To purchase at $14, write the National Audiovisual Center, General Services Administration, Washington, D.C. 20409.

For further information, contact Harry A. Pescatore, U.S. Civil Service Commission, Office of Public Affairs, 1900 E Street NW., Washington, D.C. 20415.

☐ PRIVACY ACT of 1974 interacts with Freedom of Information Act: The Commission has issued guidance on the interface between the Privacy Act and the Freedom of Information Act and how they affect the field of labor-management in nine specific areas—from the official personnel folder to records generated from the grievance procedure. The guidance is contained in FPM Letter 711-126 of December 30, 1976, subject: Guidance for agencies in disclosing information covered under the FOI Act and the Privacy Act to labor organizations recognized under E.O. 11636 and 11491, as amended.

☐ RETIRED MILITARY occupy 5 percent of civilian jobs: A CSC study shows 5 percent—or 141,817—uniformed service retirees were serving in Federal civilian jobs as of June 30, 1975. About 2.8 million jobs were surveyed.

Primary employers of retired military personnel were Defense, Postal Service, Veterans Administration, Transportation, Treasury, GSA, HEW, and NASA.

Of the total, about 112,000 were former enlisted men and 8,000 were former officers.

☐ FIVE REVISIONS and/or reissues in Fed Facts series are out: The Commission has reissued and/or updated these pamphlets in its Fed Facts series —"Fed Facts 1, The Incentive Awards Program"; "Fed Facts 8, Meeting Your Financial Obligations"; "Fed Facts 10, How the Discrimination Complaints System Works"; "Fed Facts 12, The Displaced Employee Program"; and "Fed Facts 14, Reemployment Rights of Federal Workers Who Perform Duty in the Armed Forces."

Information on obtaining them is contained in CSC Bulletin 171-540, January 3, 1977.

☐ ONLY CITIZENS can apply: "No person shall be admitted to competitive examination unless such person is a citizen or national of the United States," Executive Order 11935 stated recently.

The Executive order clarifies a recent Supreme Court ruling. It goes on to say that only citizens shall be appointed in the competitive service with certain exceptions as permitted by law with the approval of the Civil Service Commission and "to promote the efficiency of the service."

☐ PRODUCTIVITY UP 2 percent: Federal productivity in FY 1975 increased 2 percent, according to the third "Annual Report to the President and Congress" by the Commission's Joint Financial Management Improvement Program. Some 67 percent of the Federal civilian work force was measured by the program.

☐ AT YOUR SERVICE: A revised edition of the popular "The Federal Career Service—at *Your* Service" may be ordered from GPO, Washington, D.C. 20402, stock no. 006-000-00974-3, price 70 cents, with a minimum charge of $1 for each mailing.

☐ NEW DIRECTOR of public affairs: Joseph E. Oglesby has been selected as CSC Director of Public Affairs. He succeeds William M. Ragan, who retired January 1, 1977, after 32 years of Federal service.

—Ed Staples