

# INTRODUCTION

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I've been teaching, writing for, and consulting federal supervisors about supervising federal employees for decades, and I've noticed that these supervisors fall into two broad categories: the first are those already in civil service who have been promoted from nonsupervisory federal jobs, and have years of experience with federal human resources management. They are already acquainted with the federal performance management system, federal attendance and leave policies, disciplinary actions, how people get hired and promoted, and the basics of how jobs are designed and paid.

What I teach this group is how to manage these topics from a supervisory standpoint, e.g. how to write performance standards and appraisals, how to design hiring assessment measure and select people, how to discipline and fire employees, how to manage employee time, and how to design jobs.

The second category are those whose first exposure to federal civil service is supervising federal employees. This group has virtually no knowledge of the dynamics of federal human resources management, or what little they do know are absolute myths, e.g. you can't fire a federal employee.

This latter category includes military personnel of *all* grades, not just officers or non-commissioned officers, who are assigned for the first time supervising federal civilian employees. Also included are political appointees coming from a variety of backgrounds, none of which include federal service. Also, common are those, usually scientists, physicians, and engineers who enter federal service directly as supervisors. For example, most doctors and nurses in the VA start right off their first day of work responsible for civil service subordinates, and are expected to learn it all on the job.

It is for this latter category I've written this book, because supervising federal employees is significantly different from supervising employees in any other system—military, private sector, academia, health food stores, the NFL, hippie communes, or anywhere else. But it's not just learning federal civil service essentials, it is just as important to recognize how they differ from what you're used to in other personnel systems.

Take, for example, performance appraisal. If you were, without having read this book, to read all the government-wide and internal agency regulations on policies on performance appraisal, you'd know all the forms and how to fill them out, but you'd never understand what it's all about. Because all those regulations, agency policies, and rules you read never explained this crucial fundamental: in federal civil service, they play virtually no role in promotion and advancement.

The federal system is essentially a management-by-objectives (MBO) system that grades employees in how successfully they achieve certain goals.

This is why we'll spend most of our time, not on the technicalities, but on these essential first principles and how they drive the civil service system.

Supervising federal employees is different for several significant reasons.

First, the federal service operates within a framework of rules and regulations that governs all aspects of employment from hiring to retirement (or quitting or being fired). Sure, all large organizations have rules, but here's the difference between them and us: the feds take them seriously—especially those dealing with the major personnel management decisions—hiring, classification, discipline, firing. Not only do they take them seriously, the important ones are enforced by agencies outside of your own who have the authority to overturn what you have done, and in some cases, to even take disciplinary action against individual supervisors for serious violations of employee rights.

For example, the Office of Special Counsel investigates most allegations of prohibited personnel practices and has the authority to bring on its own initiative disciplinary charges against federal employees (usually supervisors and HR specialists). And since its 1979 creation has sought discipline of dozens of supervisors and HR specialists for violating employee rights.

Second is the need for consistency. Not only do you work within a system of rules, these same rules must be enforced evenly and not selectively. Selective or uneven enforcement of rules is a common defense that employees raise before any outside challenge or appeal: EEO complaints, MSPB appeals, labor grievances, and all other tribunals that hear federal employee challenges.

Because of this greater appellate coverage, federal supervisors must be ruthlessly consistent in their treatment of employees—even when it hurts. You must always be concerned with the precedential effect of important decisions. When you're dealing with problem employees or disciplinary situation when you're tempted to let a serious offense pass because of fear that the offending employee will file some sort of complaint or challenge and drag you through that torture consider this: think not about what happens if you take action, but what will happen when you don't. In federal service, what you allow your best or worst employee to get away with becomes the workplace standard.

Third is job tenure. In private industry, non-unionized employees (89.7% of the private sector workforce) serve at will (except for the rare cases where they're under a contract) and can be fired on the spot for any reason or no reason (except for prohibited reasons like discrimination and a few others).

In an otherwise excellent management book a few years back, the author was

discussing how to deal with an employee who has great potential, and while certainly not incompetent, was only performing at an above average level. His answer: fire him or her, and replace the employee with a better one.

You laugh at this, and, after five decades of dealing with federal employees, so do I. No way you'd ever get away with that in federal service with a tenured employee, but you would in private sector without even having to lie about the real reason. In federal service, though, tenured employees (generally permanent employees past probation) have due process rights when removed, separated by reduction in force, or victimized by other serious job actions.

They have numerous procedural and substantive rights, including usually an appeal to an outside party before whom you carry the burden of proving your case and that you met the relevant legal standards. It's a myth that you cannot fire a federal employee, or that it takes forever. It's actually frighteningly easy, but you have to ensure that certain rights are granted and protected when you do it.

Here's the real problem that tenure creates: dealing with marginal employees. Handling the satisfactory and better employees obviously poses no problem for supervisors, and so too, believe me or not, is dealing with employees who are indeed incompetent. We'll show you later and it is that easy if you're serious.

The real problem is that the system makes it virtually impossible to get rid of a *marginal* employee—one who is barely above the firing level and while not incompetent enough to fire, you just cannot let him or her handle any important or complicated assignment without the closest supervision, correction, and guidance. You are stuck with that employee for as long as he or she chooses to stay and chooses to perform marginally.

Same with conduct issues. Just as you cannot remove a marginal employee for performance, you cannot discipline employees who commit marginal offenses—acts that you definitely do not like, and definitely poison the work site, but it's almost impossible to deal with through any sort of formal sanction.

You've all seen that man or woman with the nasty sullen bitter attitude who goes around all day, not just griping, but constantly ridiculing the agency, federal service, everybody in management, their coworkers, and virtually everything the agency does—but never a specific defamatory or malicious accusation against a specific person, just this generalized toxic grouching.

If you try, we're stuck with that principle of consistency we discussed earlier. You suspend somebody for bad-mouthing the agency, and he or she turns around and points to virtually every coworker, and they all do, who complained about something management did. And then you try to say, "Oh, but he's different,

because he does it more” or some other lame justification, and “...aww, just forget it.”

What tenure really means is that you must be cold-blooded in both hiring and probation—far more than your friends in private industry who could fire somebody the day before retirement. Because once our federal employees (a) get hired, and (b) complete probation, you are stuck (again, unless the person is indeed incompetent or committing specific disciplinary offenses).

The last big difference is motivation. Federal employees march to the beat of a different drummer. This is a bit of an oversimplification, but in private industry, it really is mostly about the money, even if it actually is only a scorecard.

However, federal employees, for the most part are motivated differently. The National Park Service has an over-used saying, “We pay our people in sunsets.” Laugh if you want, but there is almost literal truth in that saying. What brings good men and women to the Park Service is not salary, but those sunsets and all they signify—the challenge, the fun, the interest, the coworkers, the desire to help people and make a difference, and, yes, the pride in wearing the flat-brim campaign hat.

I’m not a Pollyanna and I realize that there are some awful jobs in federal service and some components of federal agencies are less desirable than others, but every federal agency has its own version of paying people in sunsets—aspects of the job that draw and retain good men and women who, while happy to be paid well, want more out of their careers and lives than being able to spend money.

This is not theoretical. An MSPB study found that 85% of new federal employees listed “wanted to make a difference” as a major factor in choosing a federal job. Sure, the money’s nice, but in federal service it is much more about excitement, meaning, fun, independence, control, decision-making, challenge, and opportunity. Therefore, federal supervisors must use entirely different motivational strategies—those that focus on the inherent qualities of the job itself.

As a federal supervisor, you have five major personnel management responsibilities that follow a natural progression of (a) hiring, (b) assigning duties, (c) managing performance, (d) maintaining discipline, and (e) managing time. And sprinkled into every one of those five core responsibilities are additional issues of equal employment opportunity, and labor-management relations.

You’ll probably never read this entire book cover to cover, so I’ve tried to make each chapter stand alone as a separate topic that you can refer to when you wish, but at the same time since they are all related in some form, I’ve tried to maintain a continuity and flow and will often refer to a link in a previous or

upcoming chapter. I'd suggest that you do read the first two chapters, especially the second that carefully lays out your legal rights as a supervisor and your corresponding legal duties to your employees that lay the foundation for every other topic in the book. I hope I can help.



# CHAPTER ONE

## THE STRUCTURE OF CIVIL SERVICE EMPLOYMENT

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In the remaining chapters, we'll discuss the dynamics of the federal personnel system, but we'll start with a brief overview of the five prime human resources management responsibilities of the federal supervisor, starting with job creation.

### JOB CREATION

It all starts with Congress giving federal agencies fixed sums of money to spend for personnel salaries, which, incidentally, account for most of federal agencies' budgets. The management of the agencies then has complete authority to design and create positions within those budget constraints. As long as they can pay for it, they can choose to create as many positions performing whatever duties they wish. Most agencies have highly decentralized authorities to determine organization and manage positions.

It is not unlikely that many readers will be in the position of designing jobs from whole cloth or completely restructuring positions. Unlike the military or much of the private sector, nowhere in federal personnel law or regulations is there a concept of authorized positions with fixed duties that an agency must use. All four military departments, for example, have rigid organizational tables all the way down to lowest possible levels showing exactly how many service members are assigned at each specialty.

No such thing in federal civil service. Management has unencumbered authority to assign any duties to any job on a permanent or temporary basis and can create any weird mix of hybrid jobs it chooses—as long as it can pay for it. If you want to create a job that is part hydrologist, part ditchdigger, part nuclear physicist, and part jet pilot, your HR department will scream because it will be a nightmare to classify the job. You're also going to have a hard time hiring because you'll not easily find somebody with that mix of qualifications. However, you have the right to try.

Once management creates the job by assigning the duties, the human resources department takes over and classifies the position. Classification is simply the process of categorizing the job using certain standards for the purpose of setting pay. Someone from your HR office visits, analyzes the job, looks at some guidelines, goes into a trance, comes out of it, and puts a salary on the job.