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# U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Clerk of the Board

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March 29, 2022

SENT VIA EMAIL

**RE: Final Response for Request MSPB-2022-000090**

This is the final response to your Freedom of Information Act (FOIA) request to the U.S. Merit Systems Protection Board (MSPB) dated and received February 15, 2022. In your request, you sought the following:

A copy of each document (such as an Excel file or Word document) listing and/or summarizing suggestions received from the public for the MSPB Research Agenda. You may limit this request to records during the most recent Research Agenda cycle, between 2019 and present. However, if no such records exist, then I instead request the listing of approximately 400 suggestions received from the public during the previous Research Agenda cycle.

We have conducted a comprehensive search of the departments most likely to have records responsive to your request. After a careful review, we have determined that portions of the following record have been withheld pursuant to FOIA Exemption 5 and Exemption 6. *See* 5 U.S.C. §§ 552(b)(5), (b)(6). The record, originally contained in an Excel spreadsheet, has been converted to a PDF so that the withholdings mentioned above could be applied to the record.

- 2019 Research Agenda public input.

**FOIA Exemption 5** exempts from disclosure those inter-agency or intra-agency records that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that the responsive documents qualify for protection under the following privilege:

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The agency has determined that there is foreseeable harm in releasing the withheld information because the latest research agenda remains in draft form pending a final agency decision. Therefore, the withheld information would deprive department employees and incoming Board members of having open and frank discussion regarding some aspects of the proposed topics.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test. The agency has determined that there is foreseeable harm in releasing the withheld information because it would be an invasion of the individuals' privacy.

If you wish to contact the FOIA Public Liaison, you may do so via email to [foiahq@mspb.gov](mailto:foiahq@mspb.gov) or telephone at (202) 254-4475. If you wish to participate in dispute resolution services, you may contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows:

Office of Government Information Service  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail at [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone at 202-741-5570  
Toll free at 1-877-684-6448  
Facsimile at 202-741-5769

If you wish to appeal the determination, you may do so by submitting your appeal through FOIAonline or by mailing your appeal to:

Chairman, c/o Clerk of the Board  
U.S. Merit Systems Protection Board  
1615 M Street, NW  
Suite 500  
Washington, DC 20419

Your appeal should be identified as a "FOIA Appeal" on both the letter and the envelope, if applicable. It should include a copy of your original request, a copy of this letter and your reasons for appealing this decision. You may also submit your appeal by email to [foiahq@mspb.gov](mailto:foiahq@mspb.gov) or by fax at (202) 653-7130. Your appeal must be filed within ninety (90) days from the date of this letter.

Sincerely,

//signed//

Karin Kelly  
Government Information Specialist  
U.S. Merit Systems Protection Board

Public Input

To what extent is time-in-grade a barrier to career advancement, how much should it be one, and what inequities are there in allowing some situations to bypass time in grade (excepted service) while others are held back by these rules? (Suggestion from FMA.)

Does HR really understand all the hiring authorities well enough to apply them properly and take advantage of them? Should we reduce the number of authorities so that HR can understand them and managers can trust that HR knows what it is doing? (Suggestion by FMA)

Change policies and laws to emulate the more successful and profitable private sector employment models. Focus on those with high satisfaction amongst employees.

Because of the blend of employees and contingent workers (contractors, consultants, etc) would be good to understand how to better build and manage a blended team.

Require certain position series/grade levels to take Government 101. And the study to see if the agencies where these topics are taught annually have been performance. Teach them federal agency law from Appropriations law, FOIA, PRA, FITARA, Travel, etc.

Potential effect of absorbing OPM into GSA (with security checks handled by DOE) on hiring and retirement

Security clearances. Position descriptions not meeting the required criteria to designate as requiring a security clearance. Agencies are using this as a retaliatory tool. AJs are not trained in this area but are making decisions without the required expertise.

The use of technology in Federal recruitment and hiring is always a hot topic when discussing improvements in acquiring talent. Federal agencies are recruiting at a disadvantage to the private sector in that the majority are forced to use USAJOBS to post jobs and accept applications. Add to the mix that the majority of agencies also use USA Staffing and it becomes evident that the speed of innovation is at the speed of OPM's Human Resources Solutions. Private sector organizations utilize enterprise Applicant Tracking Systems (ATS) that enable the management of career websites, job postings, the hiring process, online assessments, social media accounts, and other online marketing capabilities while supplying real-time analytics on applicant flow, diversity, recruiting activities, social media effectiveness, and talent pipeline management. The USAJOBS/USA Staffing combination severely restricts agencies in their ability to effectively engage and source talent in a way that can provide a positive candidate experience while monitoring analytics and applicant flow in real-time. The current online recruitment and hiring process has not improved since the most recent hiring reform effort a decade ago as is evidenced by this recent article <https://www.nextgov.com/it-modernization/2019/05/many-americans-want-join-civil-service-until-its-time-apply/157049/>. USAJOBS/USA Staffing is the problem and not the solution. The Federal Government can hire a diverse, qualified workforce in a tight economy if its set free to utilize the best technology available.

Selection rates for minorities in the hiring process needs to researched. For example, based on current OPM data, Hispanics apply, qualify, and are referred to the hiring manager at rate corresponding with their representation in the work force. When it comes to selections from the certificate of eligibles, Hispanic representation is in the single digits. The fact that this has been true for over ten years is critical to understanding that bias exists in the selection process.

The under-utilization of the Pathways Programs for Students and Recent Graduates needs to be reviewed. The number of hires under the Programs in 2018 was just under 4,000 out of a workforce of over 2 million. Why aren't agencies hiring more students and recent graduates? What does agency workforce planning tell them about the future of their workforce?

One of the challenges is the perception that Executive Leadership is poor as reflected in the FedView results. Only 1 of every 2 employees have a high level of respect for organizational senior leaders and see them as generating high levels of motivation and commitment in the workforce, maintaining high standards of honesty and integrity, and providing satisfactory the information on what's going on in the organization. Given that this is an average, in a significant number of agencies and their subcomponents, much less than half the employees do not perceive their senior leaders as effective. What is going on in those lower half agencies and subcomponents that there is little faith, trust, and confidence in their leaders?

Look into the time, staff, and steps needed to take disciplinary or performance based action in practice (as opposed to "letter of the law"). Due process isn't and shouldn't be free, but no one seems to know what it takes to do it right. (See article at provided link.) A clearer view could be useful to both policymakers and practitioners. [www.fedsmith.com/2019/05/14/show-me-money-2/](http://www.fedsmith.com/2019/05/14/show-me-money-2/)

Reform of the GS classification system to allow consolidation of series into categories instead of 400+ individual series. There is no good reason in 2019 to distinguish between occupations in the same job family (e.g., GS-0301 versus GS-0343). Let agencies put jobs into broader categories, most of which would fall into the "1 yr of specialized experience" qualifications criterion, and let agencies define what specialized experience means. Even with the dwindling classification workforce, there is way too much still required by OPM, and almost none of it is truly necessary per Title V law.

It would be good to look at current talent management practices that I believe are hamstrung by fears of MSPB. If we want to do well by our missions we need to be able to have honest conversations where we differentiate people on the basis of performance and potential and then develop and promote them accordingly. How can we do this in a similar fashion to private industry and not be derailed by MSPB?

Are state merit systems going away?

How well are we balancing merit--hiring, promoting, and rewarding based on ability--with using the same processes to achieve some desired degree of representation in the workforce of particular demographic groups?

Is there a "deep state" influence in Federal human capital policies and practices?

Does the Administrative Law Judge program office really belong at OPM or GSA? What about placing it somewhere more consistent with the independent nature of that occupation?

Are each of the protected groups given equal consideration and protection? If not, why not?

What changes can be made to the way the Federal workforce is funded that would allow all or most of it to continue working when there is a protracted dispute over yearly appropriations? These shutdowns cost money, impair effective action, and are too often used as political footballs. Let's take the ability to do that away from the politicians while preserving their proper role of deciding how to allocate funds.

Use of Personal Cell Phone While on Duty at Work Because so many supervisors do not circulate physically in federal government offices, many employees appear to abuse their freedom to make personal calls and to text on their personal cell phones while on duty at work. How many estimated work hours are spent on personal phones of employees who are making personal calls and texting? What is the estimated cost of this loss of productivity at work and how can organizations and supervisors make it harder for employees to continue this abuse? What policies could be implemented to help curb this activity?

I would request MSPB study the cost/benefits (utility) of a pro bono-like service for a determination of standing regarding violations of merit system principles that can be utilized by every Federal employee or job applicant (not just the subset who are either former military or whistleblowers - a separate study should look into how many Federal employees are truly eligible for MSPB protection [<https://www.mspb.gov/About/jurisdiction.htm>]). In other words, a quick, low-cost option to review alleged violations of Prohibited Personnel Practices [<https://www.mspb.gov/ppp/ppp.htm>] to determine if there is standing and if there is non-binding, but sufficient belief that a Prohibited Personnel Practice has been infringed without filing a full claim.

I suggest that OPE study the impact on the ability of parties to reach settlements in light of the E.O. which essentially bans clean record settlements. In 2013 OPE issued a study on clean record settlements and the law. In light of the new E.O., this may be a good time to take a new look at settlement agreements.

It would be interesting to know what effect the DVA's new disciplinary authority under 38 U.S.C. 714 is having on the implementation of the merit system principles within that agency.

How prevalent is age discrimination and nepotism in promotions? Young people are promoted over employees with more experience. Also, although family members are not in the same chain of command, there is influence if a family member is in a higher position. There have been interviews for a position by the spouse of the person that was selected.

Does pay banding actually work when it's not funded right and how it impacts teamwork when everyone it out for themselves?

Are lengthy suspensions an effective management tool? For instance, is there any evidence that a 30-day suspension is any more effective than a 5-day suspension in correcting misbehavior? Might lengthy suspensions be counterproductive to the extent that they entail disengagement from the agency's mission for an extended period of time or exacerbate personal problems that may have contributed to the underlying misconduct in the first place (e.g. financial trouble, stress at home)?

Sufficiency of currently utilized performance standards? Do current standards accurately measure performance? Are they an accurate measure of the actual position and assigned duties?

Proper use of probationary period: Should agency's be required (by regulation or otherwise) to demonstrate a new/probationary employee was provided with a certain level of training and/or instruction before determining to separate the individual?

Merit Principal 3 states, "Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance." The core Human Resources function that applies this principal to the Federal Workforce is the Position Classification System. However, as demonstrated by internal watchdog reports for decades now, Federal Managers have sought to undermine this process since its inception. GAO's "Quality of Government-wide Classification and Position Management Practices" published on April 26th, 1978 could have been written in 2019. My suggestion to begin to address this issue is simple. Every year OPM publishes Federal employment data which identified the average GRADE DISTRIBUTION of Federal Agency Headquarters staff, e.g. what percentage of that workforce is GS-15, GS-14, etc. I propose all agencies HQ staffs be "benchmarked" against that average, and be given a scorecard gauging each agencies deviation from that base-line, i.e. demonstrate with CLEAR DATA which agencies are outlandishly top-heavy in their grade composition. These scorecards can then be shared amongst MSPB, OPM, various congressional oversight committees with jurisdiction of specific agencies and the Federal workforce in general, etc. It would provide a simple "canary in the coal mine" for oversight entities to identify instances of probable Agency mismanagement regarding how they execute their Classification and Position Management delegated authorities. Egregious mismanagement of such systems constitute a gross misallocation of appropriated funds, a violation of the public trust, a clear barrier to fair competition in hiring top talent between Federal Agencies, and a blatant disregard for Merit Principal 3.

The Rooney Rule has had great successes in the private sector making the workforce more diverse, efficient, and effective. Research into the legal and workforce implications of a Rooney Rule for the federal government promises to make government a better and more effective place to work.

Foster an inclusive and equitable work environment and organizational culture

How to address "unusual" behavior . Managers struggle with articulating why behaviors that are not obviously misconduct are disruptive and they often have great difficulty in addressing it before it becomes a crisis.

Some appointed positions, such as the MSPB members, should be allowed to stay in office until their replacement is confirmed or allow the roll to be filled temporarily.

The talent acquisition field in the private sector has gone through a tectonic shift; most private sector companies are "sourcing," which means that good candidates never even hit the market. They're lured away from one job to another. There are some obvious issues with sourcing in the federal government. But it would be really, really helpful if MSPB could do a study to define ways that we might participate in this modern hiring style using linked in, social media, and yes, even sourcing, without running afoul of merit principles.

Investigate MSPB "Administrative Judges" notorious pro-management bias and unprofessional, unethical conduct. How much more Congressional testimony is needed before you act? Discipline and remove "AJs" who routinely abuse their discretion with unethical or incompetent initial decisions. (b) (5), (b) (6)

I would be interested in learning the average cost of MSPB appeals for both employees and agencies. Similar costs for grievances and (especially) EEO complaints would be of even greater interest.

AWOL: Right now, there are MSPB decisions on the books that have overturned AWOL-related removals for as much as 12% of an employee's available duty time (which, for a full FTEE, can be as much as 192 hours). There needs to be clear guidance to the agencies as to how much AWOL is too much.

The impact of Sec. 5, EO 13839 on settlement rates, the willingness of the agencies to take adverse actions, and the cost of litigation.

The Acting EEOC Chair's report on agency's anti-harassment policy requirements seems to create tension with the MSPB guidance and rules enforcing merit system principles and disciplinary actions. The report and subsequent audit activities directs agencies to take action on harassment complaints for conduct that does not rise to the level of prohibited discrimination, including mandatory discipline for covered behavior that is largely based on subjective perceptions. The issue presents upon trying to describe the covered behavior and implicates misconduct procedures in activities that may or may not amount to actual misconduct with a nexus to the efficiency of the service. So far, descriptions resort to ill-conceived references to legally-loaded anti-discrimination terminology but rest almost entirely on subjective perceptions and discretionary interpretations of unclear principles and prohibited conduct such that the results are fairly characterized as arbitrary and capricious actions based on non-merit factors.

Applicants and Federal employees who have criminal records. Do agencies attempt to identify or screen them out during hiring, are they given any particular advantages in hiring. Do they face an automatic disadvantage because of gaps in their employment history? Related issues about this segment of the applicant pool.

In my opinion, the Federal workforce could be more effectively and efficiently utilized if existing Federal employees could easily transfer laterally between agencies with a higher priority than external hires. USAJOBS should be modified to expedite internal transfers (without relocation benefits) at the same (or voluntarily lower) levels before external candidates are selected. This maintains the institutional knowledge of government without having a learning curve and costs agencies less than the onerous hiring process. If security clearances were transferrable, it would also save significant expense of re-clearing people with existing clearances. People on a PIP, FMLA, who have been AWOL in the last two years or LWOP in the last year, on probation, in a yet-to-be adjudicated legal action against their current agency, or under investigation should not be eligible. The hiring agency should have full access to last two evaluations and the transferring employee would have to disclose accurate disability status (to ensure any reasonable accommodations already extant would be acceptable to the hiring agency; for example, some people are given telework as an accommodation but the hiring agency may not be able to grant telework by policy or statute).

Federal employees can be managed more efficiently managed by a major consolidation and shrinkage of independent agency HR departments in favor of a "spoke and hub" HR system that relies more on a central (OPM) HR authority for policy, systems, and procedures with local service in agencies that focus as liaisons for the agency at OPM as well as representing agency-specific requirements and local HR functions, such as ER and benefits. This would likely necessitate revising the GS system to give more flexibilities to agencies in pay systems and performance evaluation, yet would still derive from standardized centralized processes that are maintained for all of government. There are thousands of duplicate clerks, hiring specialists, that could be centralized (and augmented with automation) and total HR staff significantly downsized.

Federal employees could be more fairly managed if there was full transparency in the hiring process such that applicants could see applicant flow data (not EEO, but rather internal agency/interagency transfer/external as well as preference and promotion data). For example, when a position is filled, OPM should collect additional AFD that demonstrates: how many people APPLIED that were within the agency, current or former Federal employees (seeking to transfer), and external (not current/former Federal employees); how many were made the certification list (same 3 breakdowns, but also how many of each source met preference/special hiring authority requirements (and therefore might have edged ahead of other candidates in that category); and lastly, for the selected candidate, which of the three sources they came from, if they were preference/special hiring authority, AND if the position promoted them from a lower grade. In my opinion, this data should be available in FEDSCOPE for every agency and should be analyzed for triggers as part of a barrier analysis performed by the EEO office within every agency. Every applicant should be able to access this data as part of the hiring feedback data and agencies should adjudicate hiring process complaints that are based on such data.

What is OPM's role in merit system protection? How does it carry out that role, and how might that be affected by a restructuring of OPM (e.g., transfer or change in policymaking responsibility, scope and funding of oversight/audit)? <https://seniorexecs.org/newsroom/press-releases/1165-sea-statement-on-opm-gsa-merger>

Equity in workload and training opportunities   Equity in performance recognition and awards   Equity in SES distribution to Civilian Labor Force

Avoid placing management lackeys as ombudsman and EEOC employees. This is what I observed when I faced PPP. Closely related to (1), Ombudsman and EEOC employees should be truly independent and held accountable. In my experience not only did they not help, it made the situation worse and I faced retaliation. Eventually had to leave a job I generally liked and performed well.

Should TACOM's Integrated Logistics Support Center use a strategy of hiring term employees to side-step staffing requirements from higher headquarters at the cost of creating a class of workers at the command who are a 1st line of selectees for potential reductions in force instead of using established Office of Personnel Management guidelines for merit systems?

Should the TACOM Integrated Logistics Support Center strategy of staffing with temporary, multi-year promotions - where employees sign agreements to return to a lower grade that they would have received if they hadn't accepted a temporary promotion, including any annual pay adjustments and within-grade increases instead of converting to a like salary range at the lower grade as the discretion of the organization be adopted as the new Federal procedure? Should TACOM's Integrated Logistics Support Center maintain their use of the strategy of posting and hiring temp and term positions for jobs that are enduring with no anticipated reduction of resources?

There are 5 times as many people over the age of 60 as under the age of 30 in the IT area. There's a real need to understand what is the real forward talent demand for the federal government? What are our talent needs for the future? The gov't fails at not finding problems but finding solutions. There is very few "bright spot" analysis. Who is out there bringing in this critical talent effectively? Identifying what's being done well. What are the barriers to doing it better? What can people do now with the authorities that they have? The government fails miserably at bringing in entry talent through student entrance. Private sector does this well. Why is that the case? Who is doing it well?

Accountability is a big topic for the public, congress, etc. Would like to know from MSPB's perspective by combining our research capabilities and cases that we have, what is it that agencies are doing better in terms of dealing with accountability issues? Agencies that are winning more, why? Was told it was due to specialization. It would be interesting to do a study of the rules changed at VA to know if that actually changed things. Who's doing it better? Who's not? What are the qualities that make it better and how do you improve what we currently have without removing anything.

Look at the relationship of the agencies record before the Board and what level of manager supervisor training they do. Asked on the hill about ROI and this may be a way to quantify training.

Reorganization. Understand the consequences of it. People undervalue the dislocation and the damage. OPM and GSA employees are worried. Study of the impact of the reorganization conversation and how you might do it right. What is the impact of doing announcements like the ones done for USDA and OPM? If you're going to do it, how do you do it right?

Shutdown. GAO did a cost study of it. Understanding the consequences of it. Don't wait for the next shutdown build a business case now for what happens when you do this. If doing expansively, look at not only the consequences of shutdown but also CRs.

What's the impact of having acting officials? Quantify the impacts or come up with good antidotes about impact.

Looking at whether agencies are achieving diversity in the SES. We continue to hear about Veteran's preference hindering hiring. Are there agencies that are managing that well? Public notice requirements under Title V. When the workaround is not posting it to everyone how does it affect diversity?

Best practices for onboarding.

What are the 20 rules that are most problematic to effective management in government?

Case studies and interviews on lingering effects of the shutdown including recruiting and hiring. What are the perceptions of the gov't.

Levels of engagement between field office and HQ.

Retention. What happens in that first 5 years that make people leave? We need to make that case to Congress when we look at modernization

Several challenges that are facing the workforce today. The changing nature of work and what are the skills and competencies that will be needed to perform the responsibilities of the government going forward. This has to do with understanding and thinking about how does AI play into work in different areas. Managers need to think about the future of work is a challenge. How to get the right talent? Being able to attract the right level and quality of talent for the jobs that they need filled. There are a number of issues around managers needing to attract the talent that they need.

The culture. Culture has moved away from valuing public servants among politicians and people outside of gov't not managers but they have to deal with the consequences. Need to see employees as a resource and not an obstacle and not a part of a group that is trying to undermine progress. Managers need to think about how to counter that external pressure and build a culture that values public service and helps employees understand why what they are doing is so important.

The compensation system. There are limitation on managers built to apply to people that are in the secretarial pool from the 30-40s that doesn't take into account the different levels of education, qualifications, and talent that is required. How do you incentivize those people to come into the government? How do you retain them? What are the ways that you can use compensation to do that? We don't do a good job of using resources to develop federal employees. No professional development to give them the skillsets or confidence that they need to grow as individuals and leaders. In the private sectors they invest, develop and keep employees happy.

How do we do a better job of attracting talent for specific job needs that we have? Not just tech but also like nursing, etc.

How do we help political appointees understand their role better? And understand the role of the civil service workforce, value them and not be suspicious of them. This happens with every administration. We can do a better job of onboarding political appointees and politicians. This would help managers.

Why do people choose public service? Might be a link to pay and being bashed. Young people don't see the gov't as a viable place to make a difference or be innovative. Why do they feel like this?

Look at available pathways in and out of gov't. We no longer start at an organization right out of college and retire from that same organization. Lists all of his jobs. From lawyer to not for profit. People are likely to have 40 different jobs in their lifetime. They move around every 2-3 years. Gov't is not competitive unless we figure out pathways. Need to explore how others are doing it.

We don't take advantage of external resources. We are trying to build better connections between universities. On a regional basis tying local, state and federal gov't with universities to address issues like the talent pipeline. Help students understand what gov't does. Exposing them to gov't through internships and scholarships. Helping them understand the compensation package. Not just the salary. How do we do a better job of recruiting? How do we do a better job of writing job descriptions? Need a fix for USAjobs. Colleges don't know how to talk to us. Use to have 40,000 internships we are now down to 4,000. In the private sector internships are how people get hired. They don't get hired because they send in their resume very often. We don't do a good job of making that easy. We need to change some of the civil service rules. Look at ways to make it possible for managers to hire talent that they need. More ways to do direct hire.

Are there ways that we can modify Veterans preference and still give them preference without restricting managers from hiring the talent that they need?

Can we share talent pools across agencies?

Look at how the private sector is hiring. What are the keys like internships? What is the hiring process?

How do they retain employees? Professional development, compensation, culture, office space design, etc. How do you manage different generations better? How do you take advantage of their talents? Groupthink and design sessions not individual feedback. How does the private sector act?

General Schedule, classification and pay system. If we're going to move to a modern merit-based system, how can we address the classification system which keeps us stuck in the past. Look at the impact classification has on merit, particularly in how we identified who is qualified and not.

Public Notice requirements for filling positions. How does public notice and the requirement to post on USAJOBS affect merit-based recruitment? Does it actually improve the ability to recruit well qualified applicants or does it make it more difficult?

Veterans Preference. If we avoid the topic we will keep repeating it. Doesn't serve Vets or the Nation well. They don't make sense collectively. Just saying that it's a problem helps people see that it's an issue. Look at the impact VP has on merit-based hiring and whether there's another way to honor vets while not putting up barriers to hiring qualified applicants.

Distinguishes MSPB from others: You focus on the merit system. Good government groups tend to focus on how to do things more efficiently and effectively, but are not necessarily motivated by the merit principles. MSPB can evaluate what Vet preference and the classification system do for merit? Good and bad? You are asking different questions than the rest.

What is the impact of not having a commission?

Look at the idea of creating an OPM that's only focused on Title 5. Make OPM responsible for ALL personnel policies across government (excepted service, T38, etc). A universal approach to merit.

Your 1999 study or research on Poor Performers and Federal Supervisors is interesting. There seems to be a growing trend of workplace harassment (non-sexual) by federal supervisors in the federal workforce. The impact affects has many effects on taxpayers, the employees, and agencies. A study of this issue would uncover elements not being addressed by agency leadership and improve on the efficiency and effectiveness of employees. The EEOC has great concerns about the growing trend in non-sexual harassment in the workplace and thus will be considering "respect" training approach to address this issue

Security Clearance designation and security clearance retaliation

How are appointing authorities being used, and possibly misused? Does the existing system of maximum authorities and minimum oversight make hiring more flexible and responsive, more opaque and subject to error or abuse, or both? If there is misuse, is that misuse of a traditional type (e.g., favoritism or nepotism to benefit an individual) or a newer, subtler type (using appointments to nominally career positions to advance narrower political or policy interests)? Indicators might include use of excepted authorities, the career paths of individuals appointed under those authorities, and the qualifications and associations of individuals receiving appointments. A related question is how non-career SES appointments are used, and what vacancies are filled through such appointments. For example, are C-suite positions that are nominally functional (vs. policy-oriented) filled by people who are more connected than expert, to the detriment of the competence and integrity of those functions?

Politicization: is it happening, and what form does it take? Is it "partisan political activity" or using personnel authority to advance or enforce adherence to certain policy directions or preferences? Do the MSPs, PPPs, and other laws or practices do a sufficient job of defining and preventing politicization?

The MSPs. Are they sufficiently understood or honored? Do they need to be changed or reinterpreted so that adherence does not unduly compromise efficiency or effectiveness? Do agencies do enough to educate employees about how the MSPs are implemented within the agency. Is the "public interest" element of the MSPs defined too narrowly as (immediate) efficiency and effectiveness, at the expense of a longer-term view and broader ideas of stewardship and public trust?

Public service and public service motivation. Too many employees, at all levels, take too narrow a view of public service--e.g., viewing it as completing a particular task, or providing a specific service to a particular individual. Accordingly, they take too narrow a view of their responsibilities, both as individual contributors and as leaders of people. Should the MSPs, and policies and practices such as the ECQs and SES ERBs, define public service more broadly. Should public service, however (re)defined, carry greater weight in hiring, advancement, recognition?

Following the discontinuation of the "national emergency" that authorized waiver of the 180-day restriction on appointment to a civil service position following separation from military service, there are proposals to abolish that restriction entirely. Why? What are the possible benefits and costs? What are the implications for competence, integrity, and public trust, based on past waivers (hiring patterns) and appointments (characteristics of individuals hired)?

How is the use of contractors affecting Federal employee commitment and performance, and (more broadly) public perceptions of agency competence, transparency, and integrity? Do Federal employees believe that the current use and oversight of contractors is consistent with guidance concerning "inherently governmental functions" and (in their individual roles) demonstrating "high standards of conduct and concern for the public interest"? At a higher level, is present practice consistent with elected and appointed officials' responsibility to administer programs and manage the workforce in a manner consistent with law and the citizens' expressed wishes?

The non-career workforce. How has the "official" non-career workforce (e.g., Executive Schedule, Schedule C) evolved, in size and roles? What are the implications for MSPs, transparency, and integrity? Are appointing authorities other than these (e.g., Schedule A, expert/consultant) being used to fill roles or this type, either to provide employment or to augment the influence and authority of non-career leadership?

The General Schedule and the MSPs. How does the GS pay and classification system define and implement merit principles related to pay, recognition, effective workforce? Is its emphasis or implementation of internal equity dated or dysfunctional, e.g., an inhibitor to "hiring on the basis of ability," providing "appropriate recognition...for excellence," or (re)defining employee roles and responsibilities as needed in response to changes in missions, technology, or public priorities? If it outdated, or remains viable--where?

SES equivalents. There appear to be many pay or personnel systems that cover employees who would (otherwise) meet the statutory criteria for inclusion in the SES. Most of these systems are specific to a particular agency or component of an agency, and many were created without apparent attention to the implications for executive selection and management. The Senior Executive Association estimates that these "SES equivalents" may now collectively outnumber the career SES. What are these systems and how are they operating? For example, do they make adequate provision for assessment and selection based on leadership competencies (such as the ECQs), for selection and deployment that is merit-based and non-partisan, for leadership development and training? How should these systems be improved? What might the SES learn and incorporate from those systems? Should changes be made to strengthen enterprise-wide oversight and management of this corps, which may be precluded by current statute (e.g., OPM having no or limited authority outside title 5)?

The ECQs - time for an update? Do the ECQs and processes based on them still provide a solid foundation for the SES? For example, do its competencies provide a foundation for successfully navigating an environment characterized by increasing political polarization, rapid advances in technology, and an expanded role for other sectors in both governance and provision of public services? Is the implicit understanding of "public service" accurate, or does an emphasis on "results" and "customer service" promote a corps that lacks a longer-term understanding of the role of government in a democratic society, and the responsibility of executives to advocate and support broader constitutional and cultural values?

Survey applicants. How do applicants--especially the "referred but not selected"--view that experience? Do they believe that they were treated fairly (e.g., judged on their merits) and that they were not (interviewed, selected) for appropriate reasons? This might provide insight into PPPs from an additional perspective, augmenting Federal employee perspectives.

How do hiring official make selection decisions? What candidates were referred, and where did they come from? What are the implications for the hiring system (appointment authorities), MSPs/PPPs, performance, diversity (demographic and intellectual)? How are those decisions reviewed, documented, and communicated? MSPB often looks at authorities; this study would focus on individual positions and decisions.

FMA indicated that some non-supervisors may be doing supervisory work outside their narrow authority and some supervisors may be encouraging non-supervisors to do the work that supervisors do not want to do. Where do people fall on the supervisory duties spectrum, what do they think their duties are, and what are the consequences of crossing these lines?

Performance appraisals, bonuses, and transparency of the decision process on what is given, to whom, and how much. (FMA claims there is a perception that: metrics don't support the mission of the organization; review process is not fair or equitable; and incentives are built in for upper level managers that foster an environment to keep appraisals low so the lower payouts are distributed to workforce and low level managers (b) (5) )

Professionalization of the HR workforce, similar to how the COR/CO community is structured. Other than the paltry requirement to finish delegates examining training as a staffing specialist, there is no uniform training or competency requirement to do Federal HR. Even if it isn't tracked centrally, just setting up training or competency standards would ensure HR practitioners all have the same baseline knowledge to provide management advisory services.

Recordation of Telephone Calls on Federal Employees' Government Telephones & Privacy Rights Many public business have an automatic message that says "This phone conversation may be recorded for training and other purposes...". I believe federal employees' telephones should also provide this caveat to callers as well as federal employees should be made aware and consent just as they consent when they log into their work computers – that the telephones are government property and employees should not expect to have privacy rights when it comes to work performed on these phones. Additionally, I believe all calls should be recorded – both incoming and outgoing, as these calls are actually federal records. An employee writing a telephone conversation memo could misconstrue / not recall correctly the details of a call. Therefore, those memos are prone to errors. However, with telephone conversation recordation, those errors would be avoided.

Random Drug Testing in the Workplace Why are so many positions with the federal government exempt from random drug testing once employees are hired? If an employee knows that they will only have to have the initial drug testing performed, it creates a sense of security for these employees as there is no threat of a random drug test. Most agencies if an employee has a vehicle accident at work require employees to submit to a drug test. However, I do not believe this is enough. I believe policy should be changed so that every federal employee no matter what position should be held accountable by requiring all of them to submit to random drug testing whenever it is requested by their supervisors. Who better than their supervisors would be aware that their employees are abusing substances? An employee who may not be operating a vehicle may be performing other work where if they are under the influence of drugs or alcohol could endanger themselves or others. There is addiction counseling and treatment available for such employees if they are identified through drug testing. Otherwise, unless they voluntarily submit to counseling and treatment with no event triggering same, many employees will continue in their patterns of substance abuse.

How often does due process violations occur in the work force dealing with administrative disciplinary matters?

Do job announcements and job qualifications accurately describe and identify the actual position and duties? If not, does this cause recruitment and retention problems?

Impact of the lack of accountability at the higher levels of an agency's chain-of-command on the agency mission and performance of lower level employees? Specifically, too much emphasis is placed on identifying low performers at the lower levels when, in reality, the true cause of performance problems may originate at the higher levels.

Has "Direct Hiring Authority" solved recruitment issues? Specifically, research whether Direct Hiring Authority has improved recruitment in certain career fields where the authority has been available the longest (i.e. 1102).

Light Duty policies across the federal government. There is NO consistency, often even within an agency.

The federal government should do a better job communicating the productivity and performance of its employees.

The government's employee discipline system (warnings, reprimands, suspensions without pay, etc.) seems antiquated. The latter dates back over a century! A retrospective analysis and findings/recommendations re: a more contemporary system might prove both informative and useful. I have seen no information as to whether this longstanding system of progressive discipline is relevant in contemporary HR (i.e. the private and state/local governmental) settings, nor evidence of its effectiveness as a tool in preventing recurrences.

Whistleblower protections: It has become standard that every employee facing potential discipline will call OSC for the most minute infractions. This bogs down OSC and the agencies in dealing with these frivolous, get-out-of-jail-free complaints. It would be helpful to see what percentage of WPA complaints are upheld as valid, what percentage were filed only after the filing employee committed an act of misconduct or became aware of pending disciplinary action, and what agencies have done to successfully combat these problematic complaints.

Insubordination: MSPB seems to refuse to recognize this as a charge. The result is a Federal workforce that is largely undisciplined; employees can get away with behaviors towards supervisors, staff, and customers that would get them fired in the private sector.

The impact of the recent 35-day partial government shutdown on the efficiency of government-provided services, recruitment, and morale.

Policy analysis of the legislation changing the burden of proof to substantial evidence for VA appeals brought under 38 USC 714.

The government-wide impact and individual case impact of the delay in restoring the Board's quorum.

The impact of the VA's \$5,000 cap on local approval of settlement agreements.

How do we move away from a culture of front end process to avoid risk to back end accountability? Example, SESers say that they would be happy to hire more Vets if they didn't have to go through the Vet preference process and just judged on the backend about how many are in my staff. Is there a way to achieve the goals better by setting accountability at the end instead of trying to prevent bad? Are there examples where that has been done?

In that I am a selection and testing person, I am going to go with improving recruitment and selection. So, to be more specific, how can technology be used to improve recruitment of diverse employees to the federal workforce. 2. Then selection, what is the meaning of "merit" in terms of the workforce, and can we refine and expand our view of merit and will this have an impact on the federal workforce.

Streamlined, faster employee selection processes that leverage online technologies. OPM should run USA Hire like a platform that a wide variety of vendors could link to through APIs. To help maintain an open market-place, any contractor that runs the platform should NOT be eligible to have assessment on the platform. Changing the employment rules to allow managers to fire employees more easily (perhaps a lengthier probation period). Online career development tools that provide suggestions for specific experiences and training for advancement.

Most people probably know of the handful of states that abolished their merit systems around 15 or 20 years ago. Recent similar activity in the mid-west is occurring. Missouri enacted a law last year that ended merit system protections for state employees. Through executive orders, Oklahoma's new governor is trying reduce the number of state employees who have merit system protection. Are these states part of a larger trend or are state merit systems still alive and well in most states?

Thanks to recent surveys, we are now aware of the emotive burden of employee's tasks. The next step is to learn how HR functions prepare employees for the emotive component of their work. I encourage MSPB to query these topics: to what degree do job descriptions capture the emotive demands of the job? what development and training efforts help to mitigate the risk of burnout?; are there items on worker's performance appraisals that rate emotive performance? do workers have access to training that will help them develop their emotive skills?

Over the last few years, views about flexibility in the workplace - both Federal and private - have swung back and forth, but there doesn't seem to be solid research to support the contentions on either side. I would love to find out if telework - and remote work - impact the cohesiveness of workgroups and/or the organizational commitment of employees. And I'd like to know if this varies by tenure, age, level of expertise, etc. If so, are there strategies that are effective at mitigating the effects? Again, do these vary by individual characteristics?

Can the use of evidence-based, Artificially Intelligent coaches be used to proactively identify Federal workers who have tremendous potential (but are under-represented), and are likely to benefit from other more costly interventions to develop their leadership.

Study effectiveness of Schedule B Hiring Primary Law Enforcement Positions (USMS, ATF etc.)

Research on relating across generational cohorts. While I do not do a lot of federal work (so take this with a grain of salt), I do hear often that developmental tools related to cultural competence and/or generational intelligence would be of value. For example, building development around a model of emotional intelligence and knowledge about cultural and generational differences with associated training to develop/learn in both areas and why it is important. I think this would be a useful program - research related to building assessments and content to build this model would be a useful initiative. If any interest in collaboration - I would love to. I am starting to think down this path with some of my research - happy to share and collaborate. (Submitted by (b) (6)). Have a great day and good luck with your research!

Identifying high potential candidates for cybersecurity roles who may be overlooked using traditional Federal selection procedures. This would include, for example, identifying key characteristics (abilities, knowledge, biodata showing a tendency to engage in technology-related activities) of persons with high potential for success in these roles so the government can expand beyond traditional recruiting avenues to find promising candidates who may not have a college degree or may not have a degree from a well-known university. This will help to fill the large gap the government has in identifying candidates for these roles, and may also help to achieve a more diverse workforce.

The impact of a manager's/supervisor's engagement on their team's engagement. Supervisors impact their employees' engagement and are required to expend a lot of time and effort to positively impact the key drivers of engagement--performance feedback, training, work-life, fairness (merit system principles), and leadership/communication. At the same time, agencies often do not "support" their own supervisors other than providing them training. Bottom line--a supervisor's engagement level, and ability to expend extra discretionary effort may influence their actions, and thus, their team's engagement level.

Study the effectiveness of workers with disabilities

Better, more regulated performance appraisals that aren't as demotivating (if I have a boss that follows policy and someone else's doesn't and their employee gets all perfect scores, they get a better raise for doing poor work than I get for doing good work)

My first idea centers around reducing conflict in the workplace. I think that if we could create safer work environments by reducing the amount of violence, bullying, harassment, etc., then people would feel safer and would be more motivated in the workplace.

Reviewing the validity of Personnel Assessment tools. Reviewing and researching the Universal Guidelines to Personnel Assessment.

Given today's new world of AI/machine learning-based personnel selection measures, create new tools for assessing adverse impact and its remediation (see adverse impact book and publications by Dunleavy & Morris + collection of big data/adverse impact/ONET research by Oswald and colleagues + big data and federal selection work by Putka and colleagues). Thanks for reaching out!

The impact of the furlough on employee morale and attrition rates. OPM included questions on the impact of the furlough as part of the 2019 FEVS. It would be interesting to examine how the furlough impacted employees by different demographic variables (grade, race, gender, tenure, etc.) across the different agencies that were impacted (furloughed vs non-furloughed).

There is an increasing number of HR Directors who never worked in Federal HR, and sometimes not in the Federal government. What are the implications to the Merit Principles and overall effectiveness to the agency, especially when individual values potentially supplant public values?

Are security clearances a threat to Civil Service law? There are various levels of security clearance (e.g., none, confidential, secret, top secret). All Civil Service positions probably require some level of security clearance. What is the distribution of Civil Service positions by security clearance level? How has this distribution changed over the years? When a Civil Service employee loses their security clearance, they are placed on indefinite leave without pay until they can be placed in a position that does not require a security clearance. Often, no such positions are available and the employee is effectively terminated. It is very difficult, if not impossible, to appeal security clearance decisions. MSPB has no jurisdiction in these cases. Thus, agencies can pull an end-run around Civil Service law to get rid of (i.e., fire) Civil Service employees by removing their security clearance. Abuse of Civil Service law is possible. MSPB may have no jurisdiction in these cases but does have the authority to investigate whether security clearance decisions are being used improperly to violate the rights of Civil Service employees. For example, do security clearance decisions (i.e., removal of clearances) have an adverse impact by race, sex, or national origin? What is the validity of security clearance decisions? For example, a low credit score can result in the removal of security clearance. What is the validity of credit scores to predict threats to national security? MSPB should work with DOD to ensure that security clearance selection procedures are valid and nondiscriminatory predictors of national security. MSPB should also develop and recommend appropriate due process to protect the rights of Civil Service employees who are subject to possible removal of their security clearance. MSPB's report will be very helpful to Congress if legislative action is needed.

Consider re-running your sexual harassment and workplace aggression questions from the 2016 survey. It would be useful to have it again and it is still a hot topic.

More training for new supervisors, managers, and administrators. (Your survey is titled Research Agenda but your question does not mention research. I answered your question.

Empower more rapid high quality decision making at the individual level.

How to truly modify hiring requirements to quickly hire undergraduate interns and graduating seniors for careers in the federal government.

Programmatic action planning with support infrastructure based on the Federal employee satisfaction survey. Reaction to and action based on survey results vary wildly within and across agencies, with limited effectiveness. Root cause analysis of the underlying barriers and development of methodologies to address those barriers, enhance success of actions, and measure impact would be enormously beneficial.

Implement, and assess the effectiveness of, wellness programs designed to improve employee health. Analyze whether any alternative benefits would be of value to employees (elder care support, for example).

Research how anti-nepotism policy affects hiring decisions, both positively and negatively, especially in small towns where the applicant pool is limited.

Human resources professionals/personnel often seem to (with apologies for the generalization) perform their functions in "the same old way" -- without taking advantage of the options and flexibilities that are actually/already available to them. They have some tools available to be creative but do not necessarily use them. Why not? a. Is this a leadership problem? Are the CHCOs/leaders of HR departments unaware of the options available? Are they afraid of innovation or acting creatively? What are the barriers they face and how can they be overcome? How do innovators and creative leaders rise above the barriers that are there?

Gamification in employee hiring

Research around how Veteran's Preference has impacted the diversity of applicants referred (on certificates) and selected into Federal positions.

Then selection, what is the meaning of "merit" in terms of the workforce, and can we refine and expand our view of merit and will this have an impact on the federal workforce.

Grade/salary differences and full-performance potential differences across primary law enforcement positions of different agencies at entry (e.g. GL07 vs. GS 10 USMS Deputy Marshal vs. FBI Agent)

Study the productivity of individuals who work at a distance

Study the effectiveness of strategies to affirmatively hire more ethnic minorities and other underserved workers.

More accountability for folks who are non-responsive to calls, emails, etc.

The other idea I have would be to investigate how the factors of autonomy, competence, relatedness, and purpose/meaning would allow people in the workplace to flourish.

What is the impact to OPM's role in upholding Merit Principles through Accountability and audit functions during this current existential uncertainty?

It would be useful for a re-run of your whistleblowing questions. It might be good to pull from some of the academic literature on voice to develop additional questions.

Develop a detailed set of questions about political pressures/political backlash/patronage issues. I am hearing from my federal friends that this is increasing. I also worry that the reform proposals for OPM may make it easier for political pressure to be imposed, and harder for someone to seriously object to it.

Personalized development to ensure federal workers have the necessary skills and mindsets to deal with the current and emerging context.

Focus on meaning and purpose to lean into intangibles that are hard for commercial sector to compete with.

Modernize selection, compensation, and development to attract and retain high quality employees.

Streamline process for managing poor performers out of the organization.

Increase focus on outcomes rather than process.

Many have theorized that the General Counsels in many agencies are (or have been) risk averse and have and continue to interpret directives and guidance narrowly. Why? Is this due to a tradition of doing everything possible to avoid suits against an agency? What are some outstanding examples where the OGCs are supportive of and helpful in making the system work to meet agency needs? What does it take to assure that the General Counsel is working hand-in-glove with agency leaders to accomplish HC goals? c. Also, in the world of CXO positions, is there a cross-government communication mechanism for General Counselors who work on government human capital issues? If not, why not? What could be done to create cross-government communication and coordination to maximize the flexibility of the existing federal human capital system...with all its many exceptions? How can General Counsels HELP agency heads and HR leaders on HR matters?

Validity of polygraph/lie detector tests for law enforcement and security/intelligence positions.

Using artificial intelligence and machine learning to select, promote, reward, and manage Federal employees.

Remote/video interviewing, remote proctored testing, and unproctored testing,

It would be interesting to research if the conclusions presented in the SEA's statement actually occur in the future. Specifically, that OPM no longer protects the merit system from political influence (my words). See the actual statement for a more accurate description of their projection regarding the future role of OPM. Null hypothesis would be that integration of OPM into GSA has no effect on the politicization of the civil service/merit system.

Bullying in the workplace and merit systems principles.

Impact of austere budgets on compliance with merit systems principles, particularly in the area of promotions. The Internal Revenue Service would provide a good case study.

Fair and open promotions are additionally being impacted by FSIP-imposed language in collective bargaining agreements. This language will lead to employment practices based on non-merit factors.

There is a special hiring authority for Post-Secondary School Students; also for STEM and for Historically Black Colleges & Universities - can you do a study and see how many students are hired with this program?

And how the program is used by Human Resources recruiters?

<https://www.resume-place.com/2018/09/2019-defense-budget-promises-big-changes/>

Military Spouse Program - EO 13473.

How is OPM and agencies implementing the report that they are supposed to be producing based on the EO that Pres. Trump signed on May 14 of 2018.

I did a FOIA last year to OPM to ask them how they were training the HR staff in agencies about implementing EO 13473. I have this research.

I have research myself showing how many jobs were identified as military spouse jobs in 2018. As compared to today. It's stunning. FAR more are now identified. The Pres. Trump EO did help with identifying the military spouse jobs with EO 13473.

OPM HR had not been training HR personnel with this before. That was sad for the spouses.

And by the way, for your information. I have created a new federal resume format for military spouses. I am recommending that the spouses add a "JOB block" for their military spouse PCS History. This is volunteer experience (up to 20 hours per week) that demonstrates knowledge, skills and abilities of DOD, military services, military installations, relocation and family readiness. These volunteer skills are excellent for qualifying for certain federal positions. This format is very popular already with military spouse and with the ACS and FFSC and Military and Family Readiness Offices worldwide. This new format is taking off. If you would like to see the format, I can send you a couple of my books which came out a few months ago with 6 samples. (b) (6)

(b) (6), retired Program Analyst has seen the format - she is a very good friend of mine. She was a military spouse also. She really liked the format and she said, "Why not? This is volunteer experience. And they will be applying for jobs on military base supporting the military services. This is relevant and recent experience. YES< I like this format. "

How many federal jobs (GS and NAF) jobs are there on each military base in the world? This is information that military spouses need to consider applying for federal positions.

I did a FOIA myself last year and I got the information for US military installations. Do you want to see what I received. i can send to you.

USCBP Agent and Officer Hiring - I have heard from HR, that they are having a terrible time hiring these two job titles because veterans and law enforcement people can't write a resume. This is very interesting. The information about how to write the resume is not good and that's why the HR specialists are not finding applicants qualified or best qualified.

The FBI has an amazing new resume format that I really like. I'd love to know how it is working out.

(b) (6) The blog was read 18,000 times in one year.

<https://www.resume-place.com/2017/10/fbi-resume-competencies/>

What happened to the ALJ Applicant Register that Pres. Trump didn't utilize when he changed the ALJ application from Competitive to Excepted. All of the people on the register had been totally VETTED and were ready to go to work. This was a terrible waste of taxpayer dollar to not go forward with more actions with that register of qualified and tested people. A report on the AL Register of 2018 would be great.

I really like all of the Assessment studies you are doing.

I would like to see the MSPB compare similar/related personal practices. A notable example would be a comparison of how the Voluntary Leave Transfer Program compares to the Voluntary Leave Bank Program. Who participates, and why? Who doesn't participate, and why? Do some participate in one and not the other, and why? What benefits are realized by the agency, donor, and recipient? Especially, what are the financial implications for the agency and employees based on which model is used? I conducted a study of a Voluntary Leave Transfer Program in a state government agency, and the results were noteworthy.

The MSPB should consider studying the implications of the risk/reward balance for short- and long-term performance in Federal service, particularly for hiPo employees, as compared to non-Federal employment.

The USG is one of the few employers still running a "lifetime employment" model (a 20th-century phenomenon) and has failed to keep pace with changes in the labor market and present-day employment relationships.

Specifically:

\*The USG contributes an amount to a fixed-income fund (FERS) for each employee, holding out the promise that \*if\* an employee can and does stay for a lifetime, s/he will draw a modest pension in retirement, to supplement Social Security and retirement investments (TSP). The time horizon to collect this reward is incredibly long (i.e., literally a lifetime), and the pension is of questionable value at lower levels of service accrual (e.g., 5, 10, even 15 years of service). Younger employees, in particular, may have a difficult time accounting for this long-term reward when thinking about their total compensation and comparing a Federal job to a non-Federal job with shorter-term reward options. We have a great deal of research from behavioral economics and elsewhere about flawed human judgment in discounting future value, etc.

\*Meanwhile, the average tenure of an Amazon employee is just one year. Major tech companies include an equity grant in a total compensation package, often equal to or exceeding the first year's annual salary, with performance-based equity grants in each additional year.

\*Employees who stay at, for example, Facebook, for four years and perform well can receive exercised equity options when departing. For a performing, mid-level individual contributor, this total grant can equal or exceed \$1m over four years of employment.

Contrast this and the other intangibles like networking opportunities with the lack of substantial performance incentives in the Federal employment system. To ask a Fed to take a risk that could have major, business-changing payoffs for an agency, Department, or the taxpayer, we can offer very little as a potential reward to balance that risk: perhaps a one-time bonus of < \$30K, but this pales in comparison to a \$100-150K equity grant or major promotion that hiPo employees can regularly receive at tech companies.

The risk attached to failure, however, is large – a Fed can be hauled in front of Congress to testify, televised on C-SPAN, and in front of his/her family.

In other words, the risk incurred to innovate/improve is not balanced by the possibility of a commensurate reward, particularly given that our very model is designed with lifetime employment required to collect the only differentiating reward (i.e., pension).

Research questions: Research questions:

\*To what extent is our Federal employment system incentivizing exactly the business-as-usual performance – both individual and organizational – that the USG claims to want to improve/disrupt?

\*This situation is also compounded by the pay compression issue, with GS15s and equivalents capped just above GS14s, for example, in the DC Metro area. What effect does pay compression have on performance and competition? What effect does the outcome of self-selection effects as a result of pay compression have on manager and leader performance at the meso-, organizational, and macro (Department, USG) levels?

\*What is MSPB's assessment of the competitiveness of Federal jobs relative to non-Federal jobs at different levels of employee potential (measured by validated assessment instruments)?

Commonly accepted economic theory suggests that workers are rational actors and make decisions that will maximize expected outcomes. As such, managers should be able to influence behaviors to meet business goals by manipulating the perceptions of workers in making their value judgments and their respective expectations of outcomes. Conversely, social science practitioners suggest that workers often make decisions that are irrational.

Knowledge workers, as defined by Peter Drucker, are a growing sector of the workforce and are the backbone of many professions. Within the federal government, entire agencies are comprised principally of knowledge workers. As the United States continues to shift to a more service-oriented economy, the sheer number and importance of knowledge workers will increase.

Identifying the key factors that cultivate and destroy intrinsic motivation and, therefore, the performance of knowledge workers may be critical to maintaining high levels of organizational performance. I cannot stress this strongly enough, in my experience, these factors vary widely from the theories in the extant literature. My own research contradicted the commonly accepted theories, but these results were not generalizable to the entire federal workforce. More extensive research in this area is need.

I believe that a broad examination by MSPB to identify the factors that encourage knowledge workers to maintain high levels of performance may have great value in giving leaders the necessary empirical knowledge to make correct strategic human resource decision and give OPM more current data against which to evaluate current policy.

The research in this area is limited; however, I believe it falls within the mission of the MSPB to concentrate of the federal workforce as the population of interest.

As an LR/ER professional with in excess of 30 years in the field, I have always been intrigued by the sheer number of employees who have both performance and conduct issues in the federal workplace. While I do not believe these scenarios make up a preponderance of those cases that ultimately wind up in removals, I have noticed a trend when opportunity periods are going badly for employees. Much like the human nature defense mechanism that attempts to deflect and distract when a person is caught engaging in a lie, cover-up or other improper behavior in real life, so to do employees facing the reality of their own subpar performance. It has been my experience that employees will "create" conflict with a supervisor out of thin air to bolster a planned future claim of discrimination, bullying, unfair treatment, etc. Employees often attempt to manufacture a "reason" they have been allegedly singled out for the increased scrutiny that Performance Improvement periods (PIPs, OPS, etc.) bring. As agencies do not discipline employees for poor performance, a study should be done looking at the timeline of conduct issues/misconduct/claims and allegations when employees have ultimately been removed for poor performance to effect the efficiency of the service. What you are likely to find (at least in my view) is that these claims will begin much, much later in the process thereby increasing the likelihood of the claims of mistreatment or harassment being false. If an employee has worked for a supervisor or manager for a period of time (often years and years) with no claims of discrimination or mistreatment and suddenly upon exhibiting signs of declining performance now claims that s/he is experiencing such treatment raises a question of the legitimacy of said claims. I have actually seen cases where an employee on a PIP begins acting up intentionally to distract from their failing their opportunity period. Intentionally engaging in misconduct to stall and buy time on the agency's rolls. They create a separate conduct tract to go along with the performance one in progress. Overzealous union stewards live for such scenarios and pounce on any opportunity to get away from the agency work they were hired to perform. I believe that this timeline analysis data would be helpful to MSPB judges in weeding out fact from fiction and developing better questions to ask of former employees such as when did this treatment begin, when was it first reported and other related follow up questions. Although I have personally never had a case overturned by the Board, I have left a few times thinking proving it up was way harder than it should have been. The short answer is frivolous cases should be identified sooner and disposed of more expeditiously. I believe such data should arm the MSPB with additional tools to achieve that goal. The central question driving the research should be something along the lines of "what is the likelihood of a manager waiting until implementation of a performance plan to begin discriminating against a subordinate?" While some claims may be legitimate, the timeline of when the mistreatment began will look very different from frivolous claims.

Examining the extent to which Federal government hiring systems are consistent with known science.

What does diversity training cover, what are the goals of the training, and to what extent are the goals achieved?

Estimating the productivity losses from using non-optimal hiring practices.

Impact of EO 13839 on settlement and how stakeholders feel about it.

How about something on recidivism? That is to say, a study about: when an agency does settle an appeal, the frequency that those appellants with whom they settled wind up back in front of us again on another disciplinary action (not settlement enforcement issues). That could then be broken down by case type (432 vs 752, etc.), employing agency, job type and level, broad type of misconduct at issue (inappropriate language vs attendance vs off-duty criminal, etc.) To the extent there are patterns to be found, we could lay them out plainly for various managers to consider as they contemplate settlement of future cases, and dare I say it, for law makers as they contemplate such issues.

I am wondering if you are interested in posting a recently published in an academic journal. It is about the relationship between merit principal, workforce diversity, and diversity management in federal agencies. It'd be great if the paper made available in the webpage. You can free download it in the following link.  
<https://journals.sagepub.com/eprint/BEWKZXVPANTDVXEXUDW7/full>

Document how federal agencies handle supervisors and managers -- selection, training, rewards, performance management and feedback/coaching. Compare that with documented best practices.

Long ago -- 1990 when I managed the project for OPM that led to FEPCA and locality pay -- I had a conversation one evening when we were meeting to discuss the issues at FEI with the #2 person at OPM (Connie Newman was the Director). It was tongue in cheek.

The subject was the way government handled middle managers and supervisors. In contrast to business, the overwhelming majority of people who start federal careers do not have as a career goal becoming a manager. They rise over time to the top of their career ladder and are confronted with a choice -- either become a supervisor or hit the ceiling in pay. There are no rewards for becoming a great supervisor but a lot of job-related headaches. The training is inadequate. The selection process fails to focus on those qualifications shown to be associated with being effective in the job. And there is no turning back.

In contrast, as someone who graduated from (b) (6), the students majoring in business commonly have aspirations to become well paid executives. They focus on developing the skills to reach higher levels of management. Of course the financial rewards can be substantial.

The point of our conversation that night was that we were going to create a new class of workers -- and call it -- "manager". The job standard was going to discuss all the issues commonly discussed in depth in other job classification documents.

The point of the research would be to document how federal agencies handle supervisors and managers -- selection, training, rewards, performance management and feedback/coaching. And then compare that with documented best practices.

As you may know Gallup argues managers are central to employee performance and turnover.

I'd love to be involved in that study. Recently I have been working with the National Association of Postal Supervisors and am all too aware the USPS shares the same problem.

What short, medium and long term effects do the furloughs experienced by workers during federal government shutdowns have on the applicant pool? One would hypothesize that the short term effect would be a reduction in the number of applicants, but what about the quality of applicants, or other characteristics? Do the effects fade with the news cycle, or do they persist? Are the effects limited to the departments that were directly affected such as Interior, Agriculture, Justice, or are similar effects observed at HHS, VA, etc.? Does the furlough rate within a department make a difference?

Currently, the most important issue affecting the federal workforce is the attempt by the Trump administration to all but eliminate the ability of federal employee unions to engage in collective bargaining or to enforce existing collective bargaining agreements, particularly with regard to grievance and arbitration procedures as set forth in the contracts. We are also facing legislative attempts to reduce due process appeal rights as has already occurred for employees in the Department of Veterans Affairs who are now covered under a law that lowers the evidentiary standards for management, prohibits mitigation of the penalty, and shortens time frames. There are also numerous well-publicized attempts by the Trump administration to politicize federal hiring, firing, discipline and the work products of federal scientists and others.

There is tremendous pressure on the Congress to evade/avoid the merit system's insistence on open competition in federal hiring. So-called "direct hiring" is all the rage. Management whines about how difficult open competition is, and they want to hire (and fire) at will and have long probationary periods to fall back on when the inevitable consequence of direct hiring becomes evident. Direct hiring is often extremely "unfair" in many regards. From the perspective of my members, direct hiring not only undermines veterans preference, it also harms federal employees who are attempting to make lateral moves and/or obtain promotion. Open competition, as spelled out in the merit system principles, is the fairest way for federal agencies to conduct recruitment. Direct hiring violates the open competition principle and hiring should be "done more fairly."

In an entity as large and diverse as the federal government, the only thing I would say that would produce an across-the-board, universal improvement in efficiency and effectiveness is good faith adherence to a collective bargaining agreement. In any workplace, conflict arises and a collectively bargained process for dealing with conflicts of any sort is the single most efficient way of resolving conflict. Instead of having conflicts degenerate into low morale, loss of experienced employees and institutional knowledge, or other negative consequences of unresolved conflict, adherence to a collective bargaining agreement provides a formal process that treats all parties with dignity, respect, and fairness. The result? Efficiency, effectiveness, and a more positive future.

In AFGE's experience, many of those organizations have a conflict of interest in that they are promoting the interests of government contractors that provide them financial support. They may call themselves "good government" organizations, but their notion of "good government" is what is profitable for their patrons. Under this administration, OPM is hopelessly politicized; indeed, the Trump administration is intent on abolishing OPM. Thus, I am glad to hear that the MSPB is interested in pursuing a research agenda that is distinct from the contractor-funded research agenda.

My recommendation would be to focus on the risks to the apolitical civil service from relaxing adherence to the merit principles and weakening employee due process protections and collective bargaining rights. I also think the value of collective bargaining agreements in terms of their impact on employee morale, retention, "engagement" and constructive resolution of workplace conflict would be fruitful areas of research.