

Lesson 1: Merit System Principles

Course Overview

Welcome to Staffing Laws and Regulations!

The purpose of this course is to provide an overview of critical hiring laws and regulations, describe how they affect Staffing Specialists when recruiting and selecting candidates, and provide opportunities to apply these laws and regulations to various hiring scenarios.

Lesson Overview

The merit system principles are the basic values by which the federal government manages people. They are implicit in the laws, rules, and regulations that frame the modern Civil Service. Since merit is the underlying basis for all personnel actions, knowing and understanding how to apply these principles is critical for Staffing Specialists.

In this lesson, you will learn to:

- Explain the merit system principles and how they apply to hiring
- Apply the merit system principles to a hiring scenario

Merit System Principles

The purpose of the merit system is to provide for the development of an effective, mission-focused, accountable civil service workforce, based on merit, not the spoils system of the past.

Why do we learn about the merit system principles?

- With the new emphasis on strategic human capital management, flexibility, and agency-specific organizational design, there is enhanced delegation and deregulation of federal agencies. The principles provide legal guidance without constraining innovation and adaptation.
- The new focus of human capital management is performance, not process and procedures.
- Rules and regulations, policy guidance, and program implementation may have obscured basic principles.

What do the merit principles do?

- Guide civil servants to effective and efficient mission accomplishment.
- Remind us that duty and the public interest are first. All else is second.
- Raise our sights to the public's long-term interest in an "effective civil service" which may, at times, conflict with immediate or personal interests.

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- Inform and guide what we do/or how we do it.
- Give us benchmarks to measure and judge all personnel policies, programs, practices, and individual behavior.
- Provide the basis on which OPM, on behalf of the President and the Congress, holds agencies and individuals accountable.

Benefits of Flexibility

With the emphasis on flexible Human Resource Management (HRM), Staffing Specialists will develop personnel policy tailored to the agency needs and climate of the agency. The merit system principles will provide delegation, accountability, empowerment, and flexibility.

Delegation

Agencies are delegating more authority to managers to take personnel actions, such as hiring, firing, and promoting.

Accountability

Along with authority comes accountability. You will be held responsible for your merit-based actions and performance, using HR performance measures under the Government Performance and Results Act (GPRA), as updated by the GPRA Modernization Act of 2010.

GPRA was passed into law in 1993 and updated in 2010. Intended to focus federal agencies on strategic planning, performance planning, and performance measurement, GPRA empowers federal employees/employers to enhance mission performance through enhanced accountability that can help you measure compliance with the merit principles.

Empowerment

You will be empowered by the new emphasis on the merit system principles, while losing the detailed guidance of the past, such as the Federal Personnel Manual (FPM).

The FPM was the former detailed policy manual that documented specific personnel procedures. More than six times the size of the Webster's Dictionary, the FPM has now been replaced by the flexible guidance of the Merit System Principles.

Flexibility

With the delegation of authority, you'll be able to work within your agency to adjust your HR system to meet your mission requirements. You'll be surprised at how much flexibility you will have to implement the merit system requirements to achieve the best mission performance.

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The Nine Merit System Principles

There are nine merit system principles, which can be found in Section 2301(b) of Title 5, United States Code (U.S.C.). These merit system principles provide guidance for how employees are hired and how managers and supervisors should manage our human resources. The principles are the fundamental foundation of the entire federal Human Resources Management system. They can also be described as the core values that should be expressed in every human resources decision you make.

MSP #1

Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition that assures that all receive equal opportunity.

When this principle is applied to employment:

- Employees are hired/advanced on the basis of their qualifications.
- Job information is available to the public on vacant jobs.
- People selected for jobs have the knowledge, skills and abilities required for the job.
- Vacant jobs are filled after fair and open competition.

Example: An agency posts a vacancy announcement open to all U.S. citizens.

MSP #2

All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disability, and with proper regard for their privacy and constitutional rights.

When this principle is applied to employment:

- Opportunity is provided equitably and fairly to make the use of family friendly work place flexibilities available to all employees.
- Employees are encouraged to use employee assistance programs (EAP) as needed and without reprisal.
- Managers, supervisors, and team leaders deal fairly and equitably with all staff to reduce the risk of complaints of discrimination.
- Disputes or conflicts are resolved fairly and appropriately.
- Employee privacy rights are appropriately handled.

Example: Steve manages a very diverse team of different backgrounds. Steve values everyone's opinions and gives opportunities to everyone on his team.

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MSP #3

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.

When this principle is applied to employment:

- High performing employees receive appropriate recognition or awards.
- Supervisors/team leaders are fair in giving cash awards.
- Pay raises are based on how well employees perform their jobs, consistent with pay rules.
- Employee pay is fair considering what other employees in this organization are paid.
- Employees are asked about their preference for different types of rewards and recognition.

Example: An agency reviews its pay flexibilities to ensure gender pay equality on the use of these flexibilities. In doing so, the agency identifies gaps to see where improvement is needed.

MSP #4

All employees should maintain high standards of integrity, conduct, and concern for the public interest.

When this principle is applied to employment:

- There is trust between employees and managers, supervisors, and team leaders.
- All employees' conduct and behavior problems are addressed fairly and effectively.
- Managers and supervisors practice the MSPs.
- Prohibited personnel practices (PPPs) are not occurring in this organization.
- All employees maintain high ethical standards.

Example: An agency encourages employees to report unethical behavior they observe.

MSP #5

The federal workforce should be used efficiently and effectively.

When this principle is applied to employment:

- Employees participate in development of strategic plans.
- Employees receive the guidance they need to do their jobs effectively.
- Managers communicate the organization's mission, vision, and values.
- Managers provide sufficient resources to get the job done.
- Employees are involved in improving the quality of products, services, and work processes.

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- There is enough work to keep employees busy.
- A spirit of cooperation and teamwork exists.

Example: An agency uses succession planning to prepare a diverse talent pool for future leadership roles.

MSP #6

Employees should be retained on the basis of the adequacy of their performance. Inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

When this principle is applied to employment:

- Supervisors provide fair and accurate ratings of employee performance.
- Supervisors provide employees with suggestions to improve job performance.
- High performers are motivated to stay with the organization.
- Supervisors deal effectively with poor performers.

Example: Trish provides constructive feedback to her employee, Bob, regularly. This lets Bob know he is doing a good job and where he needs to improve. There should be no surprises when his formal performance appraisal/review is conducted.

MSP #7

Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

When this principle is applied to employment:

- Employees receive training they need to perform their jobs.
- Supervisors work jointly with employees to determine employees' training needs.
- Training plans are integrated into an organization's overall strategy.
- The workforce has the job-relevant knowledge, skills, and abilities necessary to accomplish organizational goals.
- Funds and/or resources are available for employees to get training they need.

Example: An employee sits down with their supervisor to discuss relevant training to perform their job and selects which trainings will be taken that year.

MSP #8

Employees should be:

- A. Protected against arbitrary action, personal favoritism, or coercion for partisan political purposes.
- B. Prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

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When this principle is applied to employment:

- Employees are not punished, shown personnel favoritism, or coerced for partisan political purposes.
- Employees do not use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
- Employees have not been pressured by an agency official to engage in political activity in violation of the Hatch Act.

Example: Larry sent an email to his staff soliciting contributions to his wife's upcoming election to the Board of Supervisors. Employees should not solicit contributions to a political cause—this will be a violation of the merit system principles.

MSP #9

Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences:

- A. A violation of any law, rule, or regulation, or
- B. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

When this principle is applied to employment:

- Employees are not punished or treated unfairly if they provide a lawful disclosure of information that evidences a violation of any law; mismanagement, waste, fraud or abuse; or a danger to public health.
- An organization has informed employees of their rights if they become whistleblowers are subjected to retaliation.

Example: Alice has discovered that her department has been covering up information regarding an upcoming audit because they have been violating the law. Alice has gone to the proper authorities with this information.

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Case Study: It's Never Too Late

Read the scenario below:

Case Study: It's Never Too Late	
[Rita]	[On the phone] This is Rita. How may I help you?
[Steve]	Hey Rita, this is Steve.
[Rita]	Hey Steve. How are you?
[Steve]	I'm okay. This reduction in force is taking its toll on me.
[Rita]	I'm sorry to hear about the reduction. How can I help?
[Steve]	I think I could get myself in some trouble and I need your advice.
[Rita]	Sure. What's the problem?
[Steve]	Well, my boss is about to lose one of his best employees to the reduction and he has asked me to retroactively promote her into a position that hasn't been classified. I told him I didn't think we could do that. He said to get it done.
[Rita]	You need to let him know that doing so would not be following the merit system principles. Be sure to let him know which ones he is not following.

In this scenario merit system principles 1, 2, 4, and 8 were not followed:

1. Recruit qualified individuals from all segments of society, and select and advance employees on the basis of merit after fair and open competition.

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2. Treat employees and applicants fairly and equitably, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition.
4. Maintain high standards of integrity, conduct, and concern for the public interest.
8. Protect employees from improper political influence.

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Visit the Resources page for links to valuable reference documents and websites.