



**NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**

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**Testimony**

**of**

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**Before the**

**U.S. House of Representatives**

**Committee on Veterans' Affairs**

**Subcommittee on Oversight and Investigations**

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Chair Kiggans, Ranking Member Mrvan, and members of the Committee, I appreciate the opportunity to testify today. I am a Fellow of the National Academy of Public Administration (the Academy) and have served as its President and Chief Executive Officer since January 2017. In addition to my experience leading the Academy, I spent three and a half years as a Deputy Assistant Secretary in the U.S. Department of Labor and eight and a half years as a Senior Executive in the Department of Defense. I am also a Veteran with 20 years of active Army service, so I have personal experience with many of the topics of today's hearing. I have been a hiring manager, a Subject Matter Expert reviewer of applicant files, a member of Senior Executive hiring and interview panels, and a member of the Army's Senior Executive policy board. While serving as the Executive Deputy to the Commanding General of Army Materiel Command, I was responsible for the strategic management of over 80 Senior Executives, one-third of the Army's total allocation, along with the oversight of nearly 70,000 civilians in nearly every career field stationed around the world. I know how challenging it can be to make the federal personnel processes work, especially when it comes to holding federal employees to performance standards.

The Academy also has deep expertise in federal human resource management topics. Established in 1967 and chartered by Congress in 1984, the Academy is an independent, non-profit, non-partisan organization dedicated to helping government leaders address today's most critical and complex challenges. The Academy has a robust organizational assessment capacity; a thorough grasp of cutting-edge needs and solutions across federal, state, and local governments; and unmatched independence, credibility, and expertise. Our organization consists of over 950 Fellows—including former cabinet officers, Members of Congress, governors, mayors, and state legislators, as well as distinguished scholars, career public administrators, and business executives. The Academy has a proven record of improving the quality, performance, and accountability of government at all levels.

Over 50 of our Fellows have experience in federal HR, and of those, many were themselves federal Chief Human Capital Officers. These Fellows and others join together in the Academy's Standing Panel on the Public Service, meeting regularly to research, discuss, and propose actions to improve HR practices at the federal level. They also contribute their expertise as members of Academy Study Panels, ensuring that all of our work includes consideration of strategic human capital implications. Across our history, many federal agencies have directly engaged the Academy and our Fellows for support in managing and modernizing their own HR systems. Supported agencies include the FBI, NASA, DOD, FAA, CDC, USAID, the Patent and Trademark Office, the U.S. Secret Service, and the U.S. Department of Transportation.

I am pleased to offer our perspective on some of the issues captured in the proposed legislation before you today to support the mission effectiveness of the Department of Veterans Affairs, specifically the *Restore VA Accountability Act of 2023*. Our Congressional charter precludes the organization itself from taking an official position on legislation, and so my testimony today will reflect the Academy's history on these topics and our general recommendations.

## **THE ACADEMY'S PERSPECTIVES ON CIVIL SERVICE ACCOUNTABILITY PROVISIONS AND PRACTICES**

The Academy has long held the position that a professional, merit-based civil service is essential to effective delivery of government programs. Earlier this year, our Fellows who comprise our Standing Panel on the Public Service [wrote](#) that that the merit system should be at the core of any reforms agencies make to adapt to fast-changing workplace dynamics:

Hiring based on merit and skill, workforce management, and implementing laws in nonpartisan ways, provide for continuity to deliver key services to the people across presidential administrations. The merit system builds on basic principles: hiring based on what applicants know, not who they know; promotion based on demonstrated competence, not favoritism; stable tenure in office, not mass turnover with each election; access to effective education and training; providing fair and equitable pay; and accountability to the U.S. Constitution, laws, and duly authorized officials, not to political pressure. These principles have stood at the core of American government since enactment of the first laws establishing the civil service 140 years ago, and they have had strong support over the decades from presidents of both political parties.

We also endorse an accurate and intentional deployment of the term “accountability.” As a Panel of Academy Fellows wrote in a 2017 paper with a vision for a modernized federal service, [No Time To Wait](#):

In some recent policy debates, “accountability” has become a euphemism for making it easier to fire public employees. The system surely needs more flexibility, and poor performers should not be retained in public service positions. But “accountability” means much more than that. It is a time-honored principle that government should be responsible for serving the public interest. Moreover, we believe that public servants should not be viewed as symbols of big government or as problems that need to be eliminated whenever possible. The nation needs to follow the central lesson taught by its leading private corporations: the best managed companies see their employees as their biggest assets, and government should too. Government employees are fundamentally important assets in pursuing government’s goals. Although we certainly need greater accountability in public service, what we most need is a system that holds administrators accountable for results. How well government employees accomplish government’s mission and what principles are pursued in doing so are the key issues. *Viewing “accountability” through the narrow lens of “firing employees” does the debate and the country no good service.* Instead, the focus should be on the creation of a federal human capital system that (1) focuses on how best to achieve the government’s mission, (2) fits the core principles of merit to meet the government’s new challenges, and (3) redefines accountability through strategies and tactics that meet citizens’ needs. What the country does not need is a system preoccupied by—and mired in—process.

## **RECENT ACADEMY STUDIES THAT INCLUDE RECOMMENDATIONS RELATED TO CIVIL SERVICE ACCOUNTABILITY PROVISIONS AND PRACTICES**

The Academy has been engaged by several federal agencies over the past few years to help them address issues of employee accountability.

[Independent Assessment of Allegations of Scientific Misconduct Filed Under The National Oceanic and Atmospheric Administration Scientific Integrity Policy](#)

In September 2019, NOAA's Scientific Integrity Officer (SIO) received four complaints of alleged violations of scientific integrity filed under the NOAA Scientific Integrity Policy (NOAA Administrative Order 202-735D: Scientific Integrity). The allegations related to a specific NOAA public statement issued on September 6, 2019 regarding a tweet previously issued by the National Weather Service (NWS) Weather Forecast Office (WFO) in Birmingham, Alabama, on September 1, 2019. NOAA's SIO engaged the Academy to conduct an independent assessment of those allegations.

The Academy was charged to determine, based on a preponderance of the evidence, whether individuals within NOAA had violated NOAA's Scientific Integrity Policy. The report lays out the specific findings and supporting analysis, for action by senior NOAA officials. This engagement not only demonstrated the willingness of NOAA leaders to discipline subordinate employees if the evidence indicated misconduct. In turning to the Academy for an independent, objective assessment of the facts, NOAA leaders also demonstrated a willingness to hold themselves and the organization accountable to the public in a transparent and trustworthy way. Perhaps as important, however, were the recommendations to safeguard against future violations of scientific integrity, many of which were included in the President's Scientific Integrity Task Force report released in January 2022.

[U.S. Department of Homeland Security Office of Inspector General: Advancing Change Management Processes](#)

Between September 2020 and July 2022, the DHS OIG engaged the Academy in a multi-phase project to assist with advancing multiple change management efforts.

Phase One: Strategic Planning

The Academy worked closely with OIG leaders and senior staff to map a comprehensive approach to developing a Strategic Plan for 2022-2026. The Strategic Plan set high-level strategic goals and objectives for the OIG and identified performance indicators to provide measures of progress toward these goals and objectives. The Academy supported the development of the Strategic plan by facilitating planning and visioning sessions with OIG leaders that identified the agency's values and desired organizational outcomes and solicited wider OIG staff feedback on proposed goals, objectives, and strategies through a survey and focus groups.

Phase Two: GAO Action Plan and Strategic Workforce Plan

Following the draft strategic plan submission, the DHS OIG contracted the Academy to help develop an implementation plan as well as an action plan in response to the Government Accountability Office's (GAO) 21-316 report recommendations. Additionally, the Academy worked with DHS OIG to develop a Strategic Workforce Plan to address GAO's human capital related recommendations.

### Phase Three: Human Capital Gap Assessment

In March of 2022, the DHS OIG contracted with the Academy to analyze the current state of the DHS OIG's workforce, identify factors that contributed to the current state, and provide recommendations for the DHS OIG to achieve its desired future state.

Issues of performance accountability were addressed in both the strategic planning and human capital strategic planning phases of the work. The Academy provided specific recommendations to the DHS OIG on matters of performance management, workforce planning, recruiting and retaining talent, and forecasting future workforce requirements.

This work also demonstrated the power of the Federal Employee Viewpoint Survey as both an indicator of organizational culture challenges and a measure of the impact of actions taken to better engage employees and address accountability concerns.

#### [Comprehensive Assessment of the U.S. Merchant Marine Academy](#)

Section 3513 of the National Defense Authorization Act (NDAA) for Fiscal Year 2020 directed the Secretary of Transportation to enter into an agreement with the Academy to conduct an independent study to examine a series of matters related to the USMMA.

Overall, this report includes 67 actionable recommendations in chapters 3 through 10. Collectively, the recommendations, if implemented, provide a course of action for USMMA and its oversight agencies to meet the challenges USMMA presently faces. They also provide a tool through which Congress, the Secretary of Transportation, and the Maritime Administration can demonstrate accountability to the public for the wellbeing of the young cadets entrusted to their care. These challenges span education and training, facilities and infrastructure, diversity, institutional culture, Sexual Assault/Sexual Harassment response, planning for the future, stakeholder relations, institutional-level governance and management, and external governance, oversight, and accountability.

#### [An Assessment of Cultural Competence at the United States Coast Guard Academy](#)

Section 8272 of the Coast Guard Academy Improvement Act, part of the National Defense Authorization Act for FY 2021, required the Secretary of Homeland Security to contract with the Academy to conduct two discrete one-year studies focusing on the USCGA. The first study was an assessment of the cultural competency of the USCGA.

Cultural competence is a congruent set of behaviors, attitudes, and policies that enable a system, agency, or professionals to work effectively in cross-cultural situations. "Culture" refers to the integrated patterns of human behavior that include language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, and social groups. "Competence" implies having the capacity to function effectively as individuals and as an organization. (Source: Terry L. Cross, Barbara J. Bazron, Karl W. Dennis, and Mareasa R. Isaacs, "Toward a Culturally Competent System of Care," 1989)

This Academy study included:

- A comprehensive assessment of the current cultural competency and diversity, equity, and inclusion resources and capabilities of the USCGA.
- Analysis of institutional practices, policies, and structures, and any other areas of focus deemed appropriate in assessing the USCGA's cultural competence.
- Recommendations to enhance USCGA cultural competence, which may include outreach and recruitment; modifying structures and practices to foster a more diverse cadet corps body, faculty, and staff workforce; and modifying policies to foster retention of cadets, faculty, and staff.

The Panel found that at the Coast Guard Academy, more can be done to build an infrastructure of coordinated policies, procedures, and structures to drive desired outcomes. The USCG subsequently released to Congress a comprehensive [action memorandum](#) specifying its plan to implement the recommendations in the study. This plan includes a Line of Effort to hold leaders accountable for Diversity and Inclusion performance and progress at the unit level, and a commitment to accountability for advancing cultural competence throughout the institution.

*[United States Office of Personnel Management Independent Assessment](#)*

In Section 1112(b) of the Fiscal Year 2020 National Defense Authorization (NDAA) Act, Congress directed the Office of Personnel Management (OPM) to contract with the Academy to conduct a comprehensive, independent study that would address a series of specific issues surrounding OPM's responsibilities. These included:

- the statutory and non-statutory functions assigned to OPM and the challenges associated with executing those mandates;
- the means, options, and recommended course of actions for addressing the challenges identified, including feasibility, costs, and benefits;
- a timetable for the implementation of identified options and recommendations;
- the statutory or regulatory changes needed to execute the recommendations;
- the methods for engaging with other Federal entities potentially affected by recommendations involving changes to OPM's structure, functions, responsibilities, and authorities; and
- the views of identified stakeholders, including federal and non-federal entities or organizations representing customers and beneficiaries.

After a year of work, the Academy's Panel of Fellows provided its report in March 2021. In conducting this study, the Panel identified several cross-cutting challenges affecting OPM's ability to effectively deliver on its mission to lead federal human capital management.

These include various authorities governing federal human capital; lack of sustained leadership and priorities given the recurrent turnover of directors and deputy directors; limited use of data and data analytics to inform policy; outdated information technology engendering enterprise and operational risks; and constrained financial and staffing resources affecting staff capacity and supporting technology and tools.

Of particular relevance to your discussion today is the study's observation that the complex web of legislation and regulation that has accreted around the topic of federal civilian personnel management makes it simultaneously challenging for managers and leaders to understand exactly what rules they are supposed to be following, easy to find loopholes that might be interpreted to permit otherwise unintended behavior, and simplest and safest to follow a path focused on compliance rather than innovation.

## **LESSONS LEARNED ABOUT ORGANIZATIONAL AND INDIVIDUAL ACCOUNTABILITY FROM THE ACADEMY'S WORK**

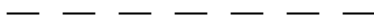
While the recommendations from each of these studies are particular to their subject agencies, general principles for effective employee accountability and performance management certainly emerge.

1. Organizational Culture Impacts Employee Performance
  - a. Cultivate an institutional culture in which every community member is respected, valued, and can fulfill her or his maximum potential as a leader of exemplary character.
  - b. Remediate breakdowns in governance clearly and publicly, replacing compliance-focused processes with processes that are strategy- and performance-based, to build confidence and trust with employees for the future.
  - c. Place greater emphasis across all departments on cultural competence, especially in the processes for hiring and developing senior leaders, including a longer-term human capital strategic plan.
2. Strategic Workforce Planning That Links Performance to Mission Enables Effective Performance Management
  - a. Strategic workforce planning enhances an organization's ability to understand and manage attrition, align skills to mission and invest in appropriate training, set and manage performance standards, and provide guidance and oversight.
  - b. Enterprise HRIT systems are essential to provide organizations with the data to manage their workforce (including performance management) effectively and consistently.
  - c. Employee viewpoint surveys offer crucial insight into organizational culture and climate issues that may affect or arise from performance issues and provide an important starting point for any strategy of increased employee engagement and accountability.
3. Clear Communication and Consistent Application of Performance Standards is Essential
  - a. Develop and communicate clear guidelines, standards, and policies on expected performance standards for all personnel. Provide examples and scenarios to support understanding.
  - b. Require staff-wide training on standards and policies, including signed statements of understanding at completion.

- c. Establish and communicate clear standards and protocols for investigations of performance failures or misconduct. Specify variations in the protocols, if any, based on rank, position, or political appointment.
4. There Is No Substitute for Effective Leadership
- a. Cultural competence and DEIA should be essential parts of leader and staff performance standards; low evaluations should have consequences.
  - b. Clearly defining roles, formalizing procedures, and assigning ownership for critical function areas reduce ad hoc decision making and allows leaders to set organization-wide priorities. These steps also streamline operations and improve organizational efficiency, potentially easing pressure on managers.

Taken together, these findings offer a roadmap for building an organization where a central focus on and understanding of mission drives performance at every level. Across every branch, division, level, and rank, expectations are clearly communicated and consistently enforced. Systems are in place to compile and analyze data to inform workforce planning and management decisions. Leaders are trained and tuned to manage a diverse workforce and provide clear guidance and feedback on performance expectations. The agency plans for and invests in training aligned to mission objectives. And, employees feel valued and prepared for the critical missions to which they are assigned.

All of this brings us back to the central topics of performance and accountability. The system surely needs more flexibility, and poor performers should not be retained in public service positions. At the VA particularly, our Veterans deserve the highest quality service and care. But, as I highlighted earlier, viewing “accountability” through the narrow lens of “firing employees” does the debate and the country no good—the ability to fire individuals for poor performance is no substitute for good leadership. It is far better to build organizations where mission and performance are aligned from the beginning, where systems are designed and implemented to provide evidence that can inform consistent and strategic decisions, and where investments in training provide a strong scaffold upon which to build individual competency. Then, an organization can be truly accountable to those who matter most...those they are created and funded to serve.



Since its establishment in 1967, the Academy has responded to requests for assistance from a wide range of agencies and organizations and has undertaken numerous studies on issues of interest to Congress and the Executive Branch. With its network of distinguished Fellows and an experienced, multi-dimensional professional staff, the Academy is uniquely qualified and trusted to provide objective advice and practical solutions that help government leaders overcome complex challenges and produce positive change.

Each Academy project is directed and overseen by an expert Panel or Expert Advisory Group (EAG) that consists primarily of Fellows. These Panels or EAGs provide high-level expertise and knowledge of current and emerging best practices. They are supported by a professional Study Team of highly qualified project directors, analysts, and researchers that ensure our



Panels have all the information required to develop their recommendations and provide meaningful advice to our client organizations.

I would reiterate that the Academy has many Fellows with deep recent experience in federal human capital management. We convene them regularly through our Standing Panel on the Public Service and can engage them on specific topics as required. We would welcome the opportunity to partner with this Committee to develop and evaluate options that could lead to a stronger and more effective Department of Veterans Affairs.

Chair Kiggans, that concludes my written statement. I would be pleased to answer any questions you or the Committee members may have.