

Questions for The Honorable Janice R. Lachance
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Questions from Chairman Gerald E. Connolly
Subcommittee on Government Operations

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Please note that the views and recommendations I offer below are my own. I draw from my work of some eight years at the U.S. Office of Personnel Management, my continued involvement and leadership in public administration organizations, and the experiences of the Federally employed scientists affiliated with the American Geophysical Union.

1. You ran the Office of Personnel Management (OPM) under President Clinton. How much did you rely on the nonpartisan civil servants in your agency while in that position?

I can state with confidence that the outstanding career civil servants at OPM were an indispensable part of my tenure and played key roles in the full range of my leadership initiatives. The professional civil service had a broad and deep understanding of the vital roles played by the civil service across government, their impact on the public, and the success of federal programs across the board. They also had a comprehensive understanding of what federal employees needed to be successful and how to get it done. For example:

- It was a career GS 12 who realized many federal employees did not maintain an annual leave balance and used their annual leave shortly after earning it. Closer analysis revealed that this reality was most prevalent among women and federal employees at the lower end of the pay scale. There was no doubt that the Federal leave structure was not meeting the needs of those with fewer resources and those who were responsible for children and elder care. Because I had established open communication with every office at OPM and encouraged all OPM employees to bring forward their ideas, I was able to hear about the situation, work with a dedicated team of compensation and leave experts, and develop a solution that is today the norm for every major employer cross the country – the ability to use sick leave to care for a family member, not just the employee who earned it.
- Career civil servants charged with collecting the government’s personnel data recognized that many federal employees lived many years beyond retirement. While the Federal Employees Health Benefits Program (FEHB) provides coverage for health benefits, it had no provision for long-term care, an important element of elder care as life expectancy increases across the board. Once that gap in health security was

recognized by civil servants, it was the civil servants who went to work designing a long-term care option that would not be costly for the federal government as an employer yet could be offered at a reasonable price to the employee and their family, thereby taking advantage of group purchasing power. I will never forget the day a long-time member of the SES brought me the plan he had developed – it was on a paper napkin used during his vacation. That napkin was the beginning of a program that makes it possible for many – including me – to enter retirement with a sense of security.

- It was career civil servants who designed a way to extend FEHB coverage of mental health and substance use conditions at a level comparable to physical ailments, at no cost to the government, through strong and competent negotiations with the full range of insurance carriers in the FEHB program.
- OPM's career civil servants also understood that attracting a diverse pipeline of candidates with 21st century skills and knowledge would require a dramatic departure from the traditional way of applying for a federal job by visiting a federal building, reviewing vacancy announcements posted on a bulletin board, often sitting for an exam, and ending up on a list of qualified candidates who would be called when openings occurred. During my tenure, civil servants led the way to automating the federal job search and creating broad opportunities for employment of a diverse pool of candidates. This led to *USAjobs.gov*, which expanded the talent pipeline and allowed all Americans to apply for Federal jobs from their kitchen table. Today, *USAjobs.gov* gets some 20 million visits each year.
- It was career civil servants who recognized the need to expand direct hire authority, revitalize the Presidential Management Fellows program, and recommend special pay rates for hard to fill positions.
- As OPM's culture evolved from 'command and control' to 'trusted advisor,' I did not attempt to order changes in attitude from the Director's office. Instead, I elevated trusted and respected career staff to lead the transformation from my office, rather than bring in political appointees to impose it.

All of these advances were made because the career civil service operated with integrity and without political pressure. They sought out the data and evidence and made recommendations based on the facts as they found them. The expertise of the OPM career staff was respected and sought after in my office and across government.

This stands in stark contrast to the previous Administration where OPM's career civil servants were thwarted by political appointees who worked in concert with the White House Office of Presidential Personnel and the Domestic Policy Council. Working together, their goal was to weaken the independence of the career workforce by creating unwarranted excepted service categories to make it easier to fire career civil servants, strip the unions representing civil servants of bargaining power and resources, transfer human resources policy operations to the

Office of Management and Budget (OMB) and place these operations within the Executive Office of the President, making them subject to political whims.

2. The minority witness seems to believe that the federal government is rife with poor performers. Is there data or evidence to support his assertion? Is the Federal Employee Viewpoint Survey an accurate way to measure the volume of poor performers in government?

Of course there are poor performers among the federal workforce, as there are in virtually every enterprise, large or small, across this country, but to hear the minority witness tell it, the federal government is paralyzed by the handful of poor performers he cites in his testimony. Nothing could be further from the truth. Quality work continues across government in spite of the morale-busting rhetoric and lack of support that characterized the prior administration.

I place a lot of credibility in the Federal Employee Viewpoint Survey (FEVS) but, like many other surveys, it measures perception, not data, evidence or reality. The average federal employee responding to this question typically has no way of knowing whether action is being taken about a poor performer or not. Personnel actions, especially disciplinary actions, are likely to be – and should be - confidential. For example, a poor performing employee may receive counseling and coaching and be placed on a Performance Improvement Plan without those in their unit ever learning about it.

Nor does the survey assess the reasons respondents have this impression. Consider that workloads may have increased dramatically because the Trump Administration had overseen workforce reductions in a number of agencies, such as a contraction of 55% at OPM, a reduction at the Labor Department of almost 12%, the misguided move of entire USDA organizations, which led to some 75% of the employees leaving, and skyrocketing vacancy rates at OSHA, the State Department, EPA, NOAA and other key agencies across government. Such statistics would certainly add pressure on and increase the workloads of the remaining employees and likely lead to unmet goals and poor performance.

We must also consider whether federal managers across government have been provided with the training and support needed to assess and take action to correct poor performance. Providing these resources should lead to an increase in the commitment among supervisors to deal with performance matters. When people are promoted or hired into supervisory jobs, they should understand their responsibilities include all aspects of human resource management, from assessing candidates for hire to evaluating performance. (See question 9, below)

This also points to the fact that OPM and agency personnel offices should have the resources needed to provide this support to supervisors who face this situation. I urge this Subcommittee to conduct an assessment of the adequacy of resources in the numerous personnel offices across government. Concern about the perception of rampant poor performance, even if misguided, requires personnel offices to be appropriately staffed with the expertise needed to train and support supervisors in all aspects of their human resources responsibilities.

3. According to OPM data, more than 10,000 federal employees separated from federal service for discipline or performance reasons in FY2020. So, there are some poor performers in the federal government. What actions can lawmakers take to help reduce the number of poor performers in the federal government?

This number of separations, coupled with the 3,000-case backlog at the Merit Systems Protection Board, does indicate that there are poor performers in federal service but it also demonstrates that personnel offices and supervisors are taking their responsibilities seriously and taking action against poor performance when it is indicated.

Lawmakers can support fair and rigorous employee evaluation in a number of ways.

- As mentioned above, ensure personnel offices across government have the funding, adequate staff and expertise to train and support supervisors in their role as evaluators of employee performance.
- Often, employees are promoted into supervisory roles because of their subject matter or programmatic expertise. Congress should fund training for supervisors on the full range of their new personnel responsibilities.
- Consider legislation establishing an alternative career advancement path for those who deserve promotions because of their expertise but who do not wish, or whose skills do not include, employee supervision and evaluation.
- Consider legislation to extend the probationary period for select federal employees from one to two years, as was done through the National Defense Authorization Act of 2016 that enacted such an extension at the Department of Defense (DoD). Oversight authority should be used to examine the DoD experience and assess whether a similar extension would be beneficial to other agencies for specific occupations that are deemed to be difficult to assess after just one year, or more broadly if the DoD experience warrants it.
- Poor performers are but one aspect of an overall employee evaluation process. Through Congressional oversight, consider the various systems across all levels of government and the private sector to discuss and encourage best practices. For example:
 - Evaluations that provide ongoing feedback throughout the year, instead of just once every year, are considered best practice.
 - Ensure there are significant and specific distinctions among the various levels of an evaluation.

- Conduct oversight of agency evaluation systems that produce a high number of outstanding ratings to make certain the ratings are specific and defined, and that appropriate time and effort are spent on providing relevant and timely employee feedback.
- Consult with the full range of agency and stakeholder groups to consider streamlining the evaluation process -- if appropriate, and only in compliance with the full range of merit principles.

4. How can the federal government more effectively attract and retain younger talent?

The federal government's record of attracting and retaining younger workers is inadequate and has led to a stunning statistic – there are currently more federal employees over age 60 than under age 30.

In order to reverse this trend, a number of actions should take place:

First, the demonizing of the federal workforce must stop. Political leaders must resist the easy rhetorical attacks on hard working Americans who serve our country in every Congressional district and in every nation around the world. Words matter, and leaders should position public service as an honorable profession that has a direct impact of the well-being of people and the planet, not as the “deep state.”

Second, the hiring process must be streamlined. OPM data for FY2018 show that the hiring process took an average of 98.3 days. That is too long for someone with student loans or a young family to support. Well-resourced personnel offices across the country can help lower this average, as can stronger partnerships between human resources personnel and subject matter experts, and providing training for hiring managers to evaluate candidates and make the right initial selection.

Third, provide the appropriate level of investment to upgrade and modernize *USAjobs.gov*. The federal government as an employer is competing with private sector and nonprofit organizations who have developed online systems that are focused on a satisfactory end user experience and that quickly and efficiently match applicants with appropriate positions. That should be the minimum standard for the federal government's employment portal as well.

Fourth, revise vacancy announcements by using plain language that clearly articulates the position's relevance and connection to the agency's mission, and by explicitly tailoring skill and experience requirements to the specific needs of the position.

Fifth, research shows that young people want to advance a cause and that they will often choose purpose and impact over the financial remuneration. The federal government can – and should – demonstrate mission and impact in every communication throughout the recruitment process and beyond.

Sixth, increase the pipeline of younger workers by increasing the use of existing hiring authorities such as the Internship Program, the Recent Graduates Program, and the special hiring authorities for veterans, and increasing the number of Presidential Management Fellows.

Seventh, research shows that many young people do not expect, nor do they want to, stay with a single employer throughout their career. For this age group, consider innovations such as organizing work into one-, two-, or three-year projects, establishing a formal program for periodic mobility opportunities to experience other agencies, missions, and even geographic areas.

Eighth, once hired, the new employee must see a clear path to success in their new position. Best practices include:

- A structured onboarding that takes into account the position, the overarching program goals, and the agency mission and culture;
- Matching the employee with multiple, experienced mentors and a sponsor;
- A commitment to funding necessary training and ongoing professional development; and,
- Affording opportunities for temporary rotational assignments and varied work.

Ninth, Congress should evaluate, and pass legislation where necessary, employment benefits to make them as relevant to a younger, more mobile workforce as they are to an employee who plans to spend their entire career with the federal government. This oversight and assessment should include, at minimum:

- The experience and effectiveness of the recent Work from Home programs in reaction to the pandemic. Consider making Work from Home a permanent option, with needed flexibility for specific, documented reasons.
- The adequacy of childcare benefits and its availability.
- A review of retirement benefits with an eye to making them portable without disadvantaging short-term employees.

5. What role does OPM play in making the whole of government successful?

It is widely accepted that the employees, or human capital, of enterprises of all types – including government – are an organization’s greatest asset. This is an even stronger reality when the work being conducted is knowledge-based, such as in the government. Private sector employers of all sizes strive to establish Human Resources offices that are full partners and at the C-suite level.

Each of the millions of current federal employees, potential employees, and retired federal annuitants is impacted by the full range of OPM’s principles, policies, and programs. Fulfilling

OPM's role as a strong and strategic business partner for all federal agencies is key to establishing a more effective and higher-performing workforce.

The recently released report on OPM by the National Academy of Public Administration (Academy) specifically urged Congress to “[r]ecognize the criticality of the federal workforce as the Government’s most important asset for achieving agency missions.”¹

Yet OPM is challenged to become the strategic human resources partner to the President or to Congress because it is hampered by a balkanized system of multiple personnel statutes across government. In addition to Title 5, specific personnel statutes can be found in Titles 10, 22, 38, and 42. Some of these agency-specific personnel authorities were granted in consultation with OPM based on strong evidence of need; others were provided by direct appeals to Congress who was persuaded that an agency had unique personnel requirements. These alternatives to Title 5 mean that OPM can no longer contribute to a higher-level, strategic view of the existing personnel systems nor anticipate the needs of the federal government as an employer. Further, one should question whether OPM continues to have the authority necessary to provide effective merit system oversight or provide the needed support to help these agencies fulfill their personnel needs.

The Academy’s report recommends that “Congress should amend title 5, section 1101 (5 USC 1101), Office of Personnel Management, to clarify and redefine the role and mission of OPM as the federal government’s enterprise-wide, independent federal human capital agency and steward of the merit system for *all* civilian personnel systems and employees, responsible for providing government-wide leadership in strategic human capital management.”²

Providing OPM with this much-needed government-wide, strategic authority will:

- Allow for a cohesive, strategic approach to federal human resources rather than the exception-driven approach in place today.
- Ensure any future exceptions to Title 5 are granted in a cohesive manner, based on evidence and similar standards across government.
- Assure consistent, important oversight of the merit principles across government.
- Give OPM the ability to gather all relevant government-wide data, understand the broad, strategic needs of agencies, and formulate up-to-date policy proposals and improved programs and practices.

¹ National Academy of Public Administration (2021), *Elevating Human Capital: Reframing the U.S. Office of Personnel Management’s Leadership Imperative*, Washington, DC, p.27

² National Academy of Public Administration (2021), *Elevating Human Capital: Reframing the U.S. Office of Personnel Management’s Leadership Imperative*, p.26

6. Why and how was your status as a Cabinet-level appointee important to your success as OPM Director?

I was honored to serve in the Clinton-Gore Administration, where both the President and the Vice President recognized the power of making the federal government a model employer and serving as a standard for the private sector. Many of the examples I cite in Question 1, above, resulted from the fact that I had a seat in the Cabinet Room.

Attending Cabinet meetings allowed me to hear and understand the goals and challenges of the Administration and every Cabinet agency while giving me the ability to develop key relationships. This direct line of sight into agencies across government gave me the information needed to formulate and advance innovative policies and programs while directly addressing personnel matters and OPM goals with agency heads.

This status, which included a coveted “blue pass” giving me access to the West Wing, meant I had ample opportunity to present ideas directly to White House policy staff and decision-makers, giving me the ability to move more new initiatives through the approval process more quickly.

7. What statutory or administrative changes could be made to fortify OPM’s independence?

Title 5 is clear – The Office of Personnel Management is an independent establishment in the executive branch.³

As presented in my written testimony for this hearing, I believe an independent agency specifically charged with protection of the merit system and the development of impartial, nonpartisan human resources policies and practices is vital to the fair and effective administration of programs across government and to the protection of the civil service from political interference.

An agency under the influence of the White House, the Executive Office of the President, or the Office of Management and Budget cannot achieve the level of independence envisioned by the Civil Service Reform Act of 1978. And, to date, no one has been able to demonstrate a more effective structure that still ensures nonpolitical, unbiased government administration and which supports and promotes the merit system. This was illustrated by the Trump Administration’s misguided attempt to shift OPM’s policy making apparatus to the Office of Management and Budget and the rest of its operations to the General Services Administration (GSA).

As someone who spent some eight years of her career at OPM and has been a keen observer of the agency since then, I acknowledge that improvements to OPM and its programs must be made. However, dismantling the agency is tantamount to demolishing a structure when a

³ 5 U.S. Code Section 1101 – Office of Personnel Management

renovation is needed. Members of this Subcommittee, along with numerous other stakeholders, strongly objected to the Trump proposal, observing that the previous Administration was unable to articulate or offer data or evidence strong enough to support their proposal.

Adding its voice to the chorus of those who objected to the dismantlement of the agency, the Academy's recent report concluded "The Academy Panel did not find that the problems or challenges identified in the proposal would be resolved by transferring OPM functions to OMB and GSA."⁴

In fact, the Academy's report underscored the "passion among stakeholders interviewed, as they expressed serious concerns about the merger proposal and in particular, the move of policy to OMB. The need for an independent government-side human capital agency with clear guard rails – a 'firewall' – between the agency and the Executive Office of the President to protect a merit-based civil service system was a consistent theme."⁵

In a section titled, "OPM Leadership Role Weakened by Expanding Role of OMB in Human Capital Management," the Academy's report concluded that the OPM Director's role "as the advisor to the President on human resource management...has been diluted over the years with the creation...and subsequent expanding role and influence of the OMB Deputy Director of Management. ... Virtually all believe that boundaries are necessary to ensure OPM's independence from the Executive Office of the President...."⁶

The report goes on to state that "OPM should be the lead for federal civilian human capital, setting policy, establishing a framework for agencies to manage their workforces, facilitating innovation and sharing of best practices and lessons learned, and both collecting and using data and data analytics."⁷

To strengthen OPM's standing as an independent agency, free from undue political influence, the following steps are recommended and should be considered:

- Amend Title 5, Section 1101, to state unequivocally that OPM is an independent agency, and include a specific definition of the term "independent."
- Amend Title 5 to clarify OPM's jurisdiction and strategic responsibility for all civilian personnel employees. (See question 5, above)

⁴ National Academy of Public Administration (2021), *Elevating Human Capital: Reframing the U.S. Office of Personnel Management's Leadership Imperative*, p.1

⁵ *Ibid*, p.15

⁶ *Ibid*, p. 15. Full discussion of issue can be found on pages 15-16

⁷ *ibid*, p. 22-23

- Amend Title 5 to erase any doubt that the Director of OPM is the President’s lead advisor on federal personnel matters, programs, issues, and policies. Consider making it a Cabinet office.
- Provide OPM with appropriations to achieve its full mission. This would include the elimination of any requirement for agencies to pay OPM in return for its advice, assistance, and expertise.
- Draw a bright line between the Management functions of OMB and OPM’s authority and strategic leadership of federal human resources. Preferably, this could be done administratively or by statute, if required.

8. The minority asserted that President Trump’s Schedule F executive order improved federal employee accountability. Would you agree with that assertion? Why or Why not?

I strongly disagree with this assertion. It is difficult to view the creation of Schedule F as anything other than a bald-faced attempt to remove civil service protections from a broad swath of federal employees and take away their ability to provide unbiased advice, in the best interests of the public, by placing their careers in the hands of political appointees who could fire them for presenting data, evidence, or views that contradict the political whims of the day.

Government Executive Magazine summarized its interviews with those familiar with the merit system and the federal government this way: “...what experts say is an alarming plan to convert potentially hundreds of thousands of federal workers into at-will employees, essentially turning the civil service into a partisan machine where jobs can be doled out as rewards for political support and ‘disloyal’ employees can be fired when the boss takes offense.”⁸

If the goal was a sincere attempt to reduce the number of poor performers in government, why were those involved in policy targeted for this treatment? No evidence was presented that this particular cadre of public servants had a greater number of poor performers than any other group. Nor was any rationale presented to explain why other groups of employees were left out of this excepted service.

The Office of Management and Budget was the first agency to designate those in the agency who would be transferred to Schedule F. The Director’s conclusion was that 425 employees -- fully 88% -- of the OMB staff should be stripped of their civil service protections.

A letter signed by 20 former career and political OMB employees and released by the Senior Executives Association on January 4, 2021, predicted some of the dire consequences of this action. It states in part:

⁸ Erich Wagner, *As White House Steps Up Schedule F Implementation, ‘Lawmakers Don’t Get it,’* (December 14, 2020) *Government Executive magazine online*

“This would, in our view as former OMB officials, fundamentally damage one of the central institutions of our government, and would harm the ability of the Biden Administration and any future Administration of either party to govern effectively. ...

“Career staff at OMB have served Presidents of both parties by providing them with the best advice and help to achieve their priorities. Every President deserves the most objective and informed analysis from experts in how government works. This requires a cadre of experienced people willing to ‘speak truth to power’ while remaining loyal to their responsibility to advance the goals of the current Administration. ...

“The designation of up to 425 career officials in OMB as Schedule F employees raises significant procedural and substantive questions about the impact on OMB’s critical work in serving Presidents of either party. For example, will the strong analytical qualifications and expertise of people filling these positions change if they can be dismissed without due process protections? Will they offer the same candid advice on the consequences of policies proposed by the President’s political staff in the West Wing or appointees at the top of executive departments and agencies? ...”

While this letter addressed the important work conducted at OMB, it certainly applied to those who hold policy positions across the government. I believe this was a transparent attempt to stifle advice, data, and evidence that did not explicitly support the Trump Administration’s positions. Those who work in the policy arena must support a President’s initiatives, but not at the expense of the ability to provide apolitical information and advice.

True leaders who are not out to bend the facts to their will and who are willing to test their views, should seek out and value objective information without resorting to threatening someone’s career to get the answers they want. Better decisions are the result of open minds, objective data, strong evidence, and impartial advice - not the threat of firing public servants.

9. What, if any, weaknesses or opportunities for improvement do you see in the existing federal performance management system? How can we address these areas while protecting our merit-based principles?

As mentioned in my testimony before the Subcommittee, any review, redesign, and update of the federal performance management system must be based firmly on the merit principles and a commitment to employee success.

There are a number of steps that can be taken to increase the success rate of new hires and improve the performance evaluation system across government. It starts with an acknowledgement that the employee evaluation process is but one factor in employee performance.

Managing performance starts as soon as one accepts a federal job. Federal agencies must make a commitment to new hires and each one must be provided with a clear path to success in their

job and throughout their federal career. The following elements contribute to employee success:

- Best practice indicates new hires must be provided with a formal and thorough onboarding process, which includes:
 - a complete understanding of their duties, workplace values, and management expectations;
 - the direct connection between their job and the missions of their program and agency; and,
 - the culture of their workplace.
- Carefully matching the new hire with one or more mentors and sponsors who can provide support and advice in the range of areas articulated above, including specific job duties and culture.
- Dedicating funds for early training that may be needed for a quick and solid start in the position, then for ongoing professional development so the employee can continue growing in the role, take on additional responsibility, and advance their career.
- Establishing a feedback loop to communicate with the employee on an ongoing basis – not just once a year or when performance becomes problematic.
- In partnership with the employee’s supervisor, the agency’s personnel office should plan for periodic mobility, rotational, or developmental assignments. Exposure to fresh roles, co-workers, and managers can help an employee build new competencies, managerial skills, and try out new cultures.

Rotational assignments also benefit federal agencies. An agency can deploy talent to priority programs or projects, resolve emergencies, fill unexpected gaps in staffing, or assess an employee’s potential, among other reasons.

Another critical factor in employee success and performance management is a leadership commitment to goal setting, metrics, and constant feedback. Supervisors and personnel offices owe it to both new hires and longer-term employees to be clear about expectations and goals. Supervisors should also work with staff to develop both program-wide and individual metrics to measure the effectiveness of a program and individual contributions to program and agency success.

Ideally, the process of setting goals and metrics should be collaborative, and a mutual understanding of expectations is key. That means ongoing communication about expectations, goals, and performance throughout the evaluation cycle is important, as described above.

The Subcommittee should consider oversight of the use, effectiveness, and length of probationary periods and consider extending them through statute, if warranted. It is much easier to release an employee during their probationary period for discipline or performance reasons, and an employee's appeal rights are limited.

In my view, a supervisor should be able to decide, within a year, whether a new hire will be able to meet their goals. Nonetheless, the Department of Defense (DoD) now has a two-year probationary period, and the Subcommittee should examine the DoD experience and consider whether an extended probationary period should be used in other agencies across the federal government.

Finally, the Subcommittee should conduct oversight and make recommendations on how first-level supervisors are selected and the support and training provided to them by their agency's personnel office.

It is clear that not everyone is suited for supervisory duties, and many may not even want to perform those duties. Yet, becoming a supervisor is often the only way to gain recognition, advancement, and salary increases in the federal employment.

I urge the Subcommittee to consider breaking the link between promotions and supervisory responsibilities, as was recommended by the Senior Executives Association (SEA) in Congressional testimony:

“Under the General Schedule, an employee often must take on supervisory duties in order to ascend the ranks. Yet there is no assessment of whether that employee, who may be an excellent technician or subject matter expert (SME), has the capacity to serve as a supervisor and leader. Federal employees require career ladders that let them choose whether they prefer to remain a SME or whether they want to manage, and both options should present opportunities for career advancement and growth. This also applies to determining whether a senior employee should be SES, SL/ST, or equivalent.”⁹

Once in the role, all supervisors, however selected, must receive the necessary training and support to effectively conduct the full range of their responsibilities, including performance management. The American people and federal employees deserve no less.

I support SEA's call for mandatory supervisor training. Their proposed criteria for this training is:

“1) Every new supervisor and manager in the federal government must receive mandatory supervisory training within one year of their initial appointment; 2)

⁹ Testimony of Bill Valdez, President of the Senior Executives Association, *Empowering Managers: Ideas for a More Effective Federal Workforce* (February 9, 2017), Subcommittee on Regulatory Affairs and Federal Management Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, D.C.

Supervisors and managers should receive updated training every three years after the initial training; 3) Training of managers must become a priority within each federal agency and department; 4) A specific authorization of federal funds would need to be made to underwrite the cost of training that is in addition to money currently allocated to each agency and department for personnel costs; and, 5) Managers should be afforded participation in processes that arise from constructive feedback and evaluations required of them.”¹⁰

The Government Accountability Office (GAO) found that “supervisors do not always have effective skills, such as the ability to identify, communicate, and help address employee performance issues.”¹¹ GAO went on to identify a number of promising practices that should be considered to improve a supervisor’s ability to effectively conduct performance management activities, including:

“(1) extending the supervisory probationary period beyond 1-year to include at least one full employee appraisal cycle; (2) providing detail opportunities or rotational assignments to supervisory candidates prior to promotion, where the candidate can develop and demonstrate supervisory competencies; and (3) using a dual career ladder structure as a way to advance employees who may have particular technical skills and/or education but who are not interested in or inclined to pursue a management or supervisory track.”¹²

Once the Subcommittee has concluded its examination of these critical issues, I urge the Members ensure an appropriate level of funding to make the above recommendations a reality. Every one of these recommendations depends on adequately funding and staffing OPM and personnel offices across the government with the right number of professionals who have the capacity to provide leadership in this critical area, develop guidance, offer training, and partner with managers, supervisors, and executives to ensure even execution across the federal government.

I acknowledge that dealing with employee performance is a challenge, but it can be conducted successfully if critics will stop citing perceptions instead of evidence, tone down the rhetoric about the “deep state” and “poor performers,” and work to create a system that provides needed training, ongoing communication, and relies on proven best practices for continuous improvement.

¹⁰ *ibid*

¹¹ Report of the U.S. Government Accountability Office, *Federal Workforce: Improved Supervision and Better Use of Probationary Periods are Needed to Address Substandard Employee Performance* (February 2015), Washington, D.C., Summary page

¹² *Ibid*, p.30

10. The Preventing a Patronage System Act (H.R. 302) is designed to prevent a future President from unilaterally implementing a Schedule F-like executive order. Do you think this bill is effective in protecting our merit-based civil service?

I agree with the need for this legislation and urge its passage as soon as possible in order to protect the nation's merit system and our professional civil service, which are the envy of nations around the world.

It is difficult for me to imagine a President who does not understand that a pillar of American democracy is the impartial, non-partisan civil service that conducts itself in the best interests of the American people and is not beholden to one political party or another.

It is difficult for me to understand how a President does not value objective advice, based on evidence, data, and scientific integrity, and not offered to please the boss by speaking only what political leaders want to hear.

It is difficult for me to envision a President who, over four years, did not come to value the dedicated professionals who enforce health and safety laws, seek out cures for disease, protect our homeland, predict the weather, work shoulder to shoulder with our military, prevent climate change, inspect the food we eat and where we work, care for America's veterans, represent us around the world, and spark our imaginations with photos of distant planets, among many vital roles.

Yet we did have such a President, who spent much of his term in office leveling unfounded charges and damaging rhetoric at this group of committed employees. He proposed pay freezes and benefit cuts, he approved of government shutdowns that held back pay checks, he stripped the unions who advocate for employees of their collective bargaining power, he approved moving entire agencies halfway across the country leading to an irreplaceable loss of institutional memory and expertise, he gutted scientific agencies, he prevented the open communication of research, and he left key jobs unfilled across government.

And in the 11th hour of his term, President Trump created Schedule F, stripping potentially tens of thousands of civil servants of their merit system protections.

Unfortunately, it could happen again with another President.

I would like to be able to say H.R. 302 is not needed, but I cannot. This legislation is the only way to be sure future Presidents uphold the merit system.

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