

Preserving the Integrity of the Federal Merit Systems: Understanding and Addressing Perceptions of Favoritism

EEOC
2014 EXCEL Training Conference
August 14, 2014



Goals of Presentation

- Quick overview of MSPB's mission and the MSPs and PPPs.
- Discuss
 - What is favoritism?
 - Why does (perceived) favoritism matter?
 - Facts: Employee and HR perceptions
 - Drivers: What's behind these perceptions?
 - What can we do to prevent the perception or reality of favoritism?



U.S. Merit Systems Protection Board Mission

*Serve as the guardian of
Federal merit systems*

Adjudication

Merit System Studies

Review of Significant Actions of OPM



Favoritism: What it is and why it matters



What Is Favoritism?

Granting a benefit to an applicant or employee for reasons other than a legitimate or merit-based reason.

Can occur in **any aspect** of HR management, e.g.,—

- Work assignment
- Promotion
- Flexible work arrangements
- Feedback and counseling
- Relocations
- Training and development
- Performance evaluation
- Pay
- Discipline
- Retention

Excludes authorized or required preferences, e.g.,—

- Veterans' preference
- Indian preference (selected agencies)
- Reemployment priority
- Priority consideration



Why Does (Perceived) Favoritism Matter?

- Inconsistent with core values
- Consequences
 - Suboptimal management of talent
 - Damages working relationships
 - Harm to employee engagement and retention
 - Undermines leadership credibility
 - Time lost to conflict management



Core Values of the Federal Civil Service

Merit System Principles include—

- Employment determined solely on qualifications
- Equal pay for work of equal value
- Effective management of employees
- Protection from partisan politics & personal favoritism
- Integrity and concern for the public interest

Prohibited Personnel Practices include—

- Granting any preference not authorized by law
- Considering any recommendation that is not based on work-related criteria
- Obstructing an employment competition



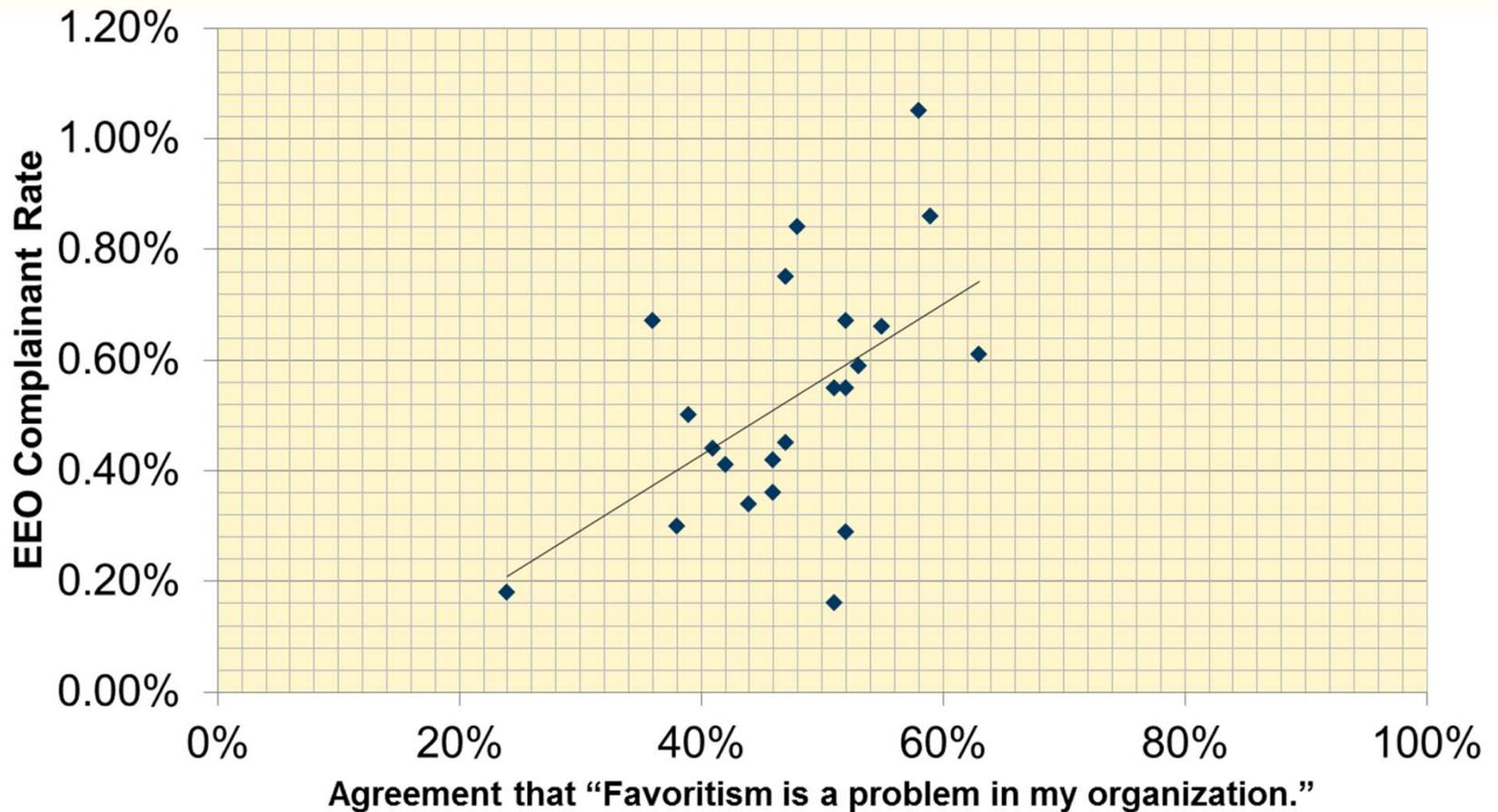
Illustration: Harm to Retention

Comparison: Intentions of employees, by agreement with the statement “Favoritism is a problem in my organization.”

Employees Who Agreed	Intention	Employees Who Disagreed
20%	Plan to <i>transfer to another work unit</i>	7%
18%	Plan to <i>transfer to another agency</i>	4%
8%	Plan to <i>leave Federal service</i>	4%
8%	Plan to <i>retire</i>	8%



Illustration: Increased Cost of Disputes



U.S. MSPB, Federal Merit Systems Survey, question 10a.

U.S. EEOC, FY 2011 Annual Report on the Federal Workforce, agency rate of EEO complainants.

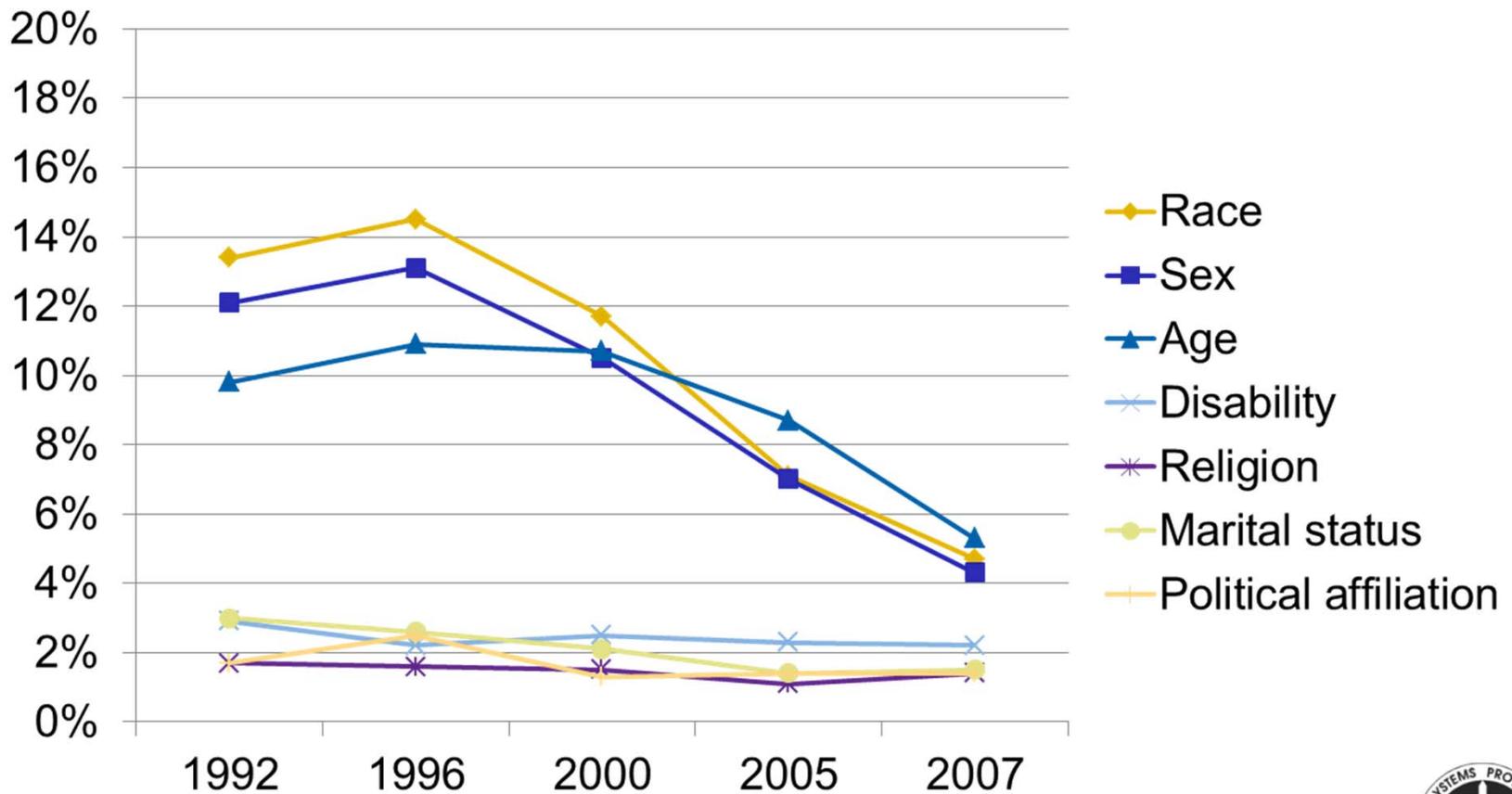


Employee and HR Perspectives



Employee Perceptions: Discrimination

Percentage of employees indicating denial of a job, promotion, or pay increase on the listed basis.



Source: U.S. MSPB, Merit Principles Surveys.



Advancement: What Do You Believe Matters?

Think about your organization.

How would you respond to these statements?

(Agree? Disagree? Neither?)

“People are promoted
because of their competence.”

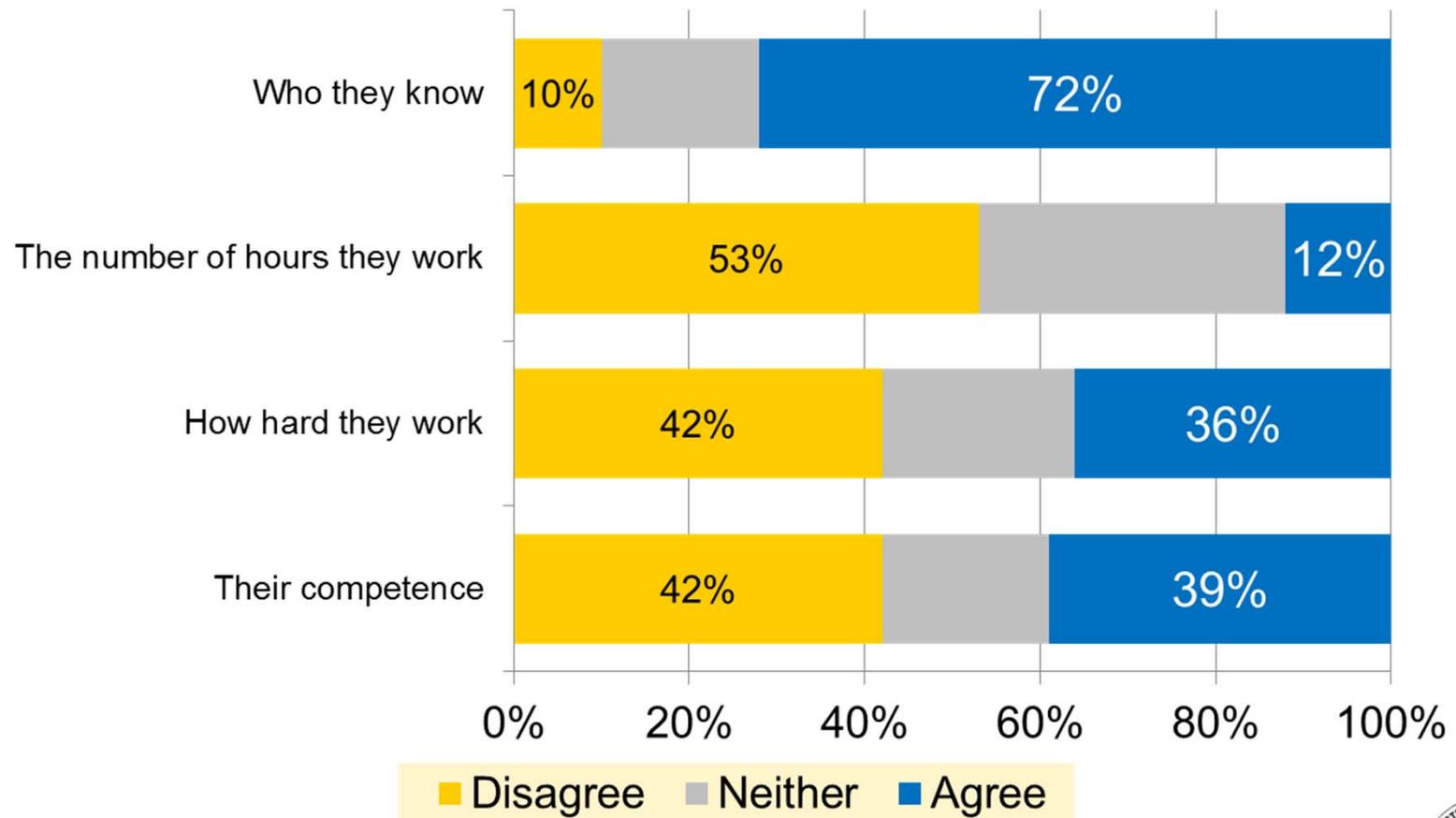
“People are promoted
because of who they know.”

Source: U.S. MSPB, 2007 Career Advancement Survey.



Advancement: Federal Employees' Views

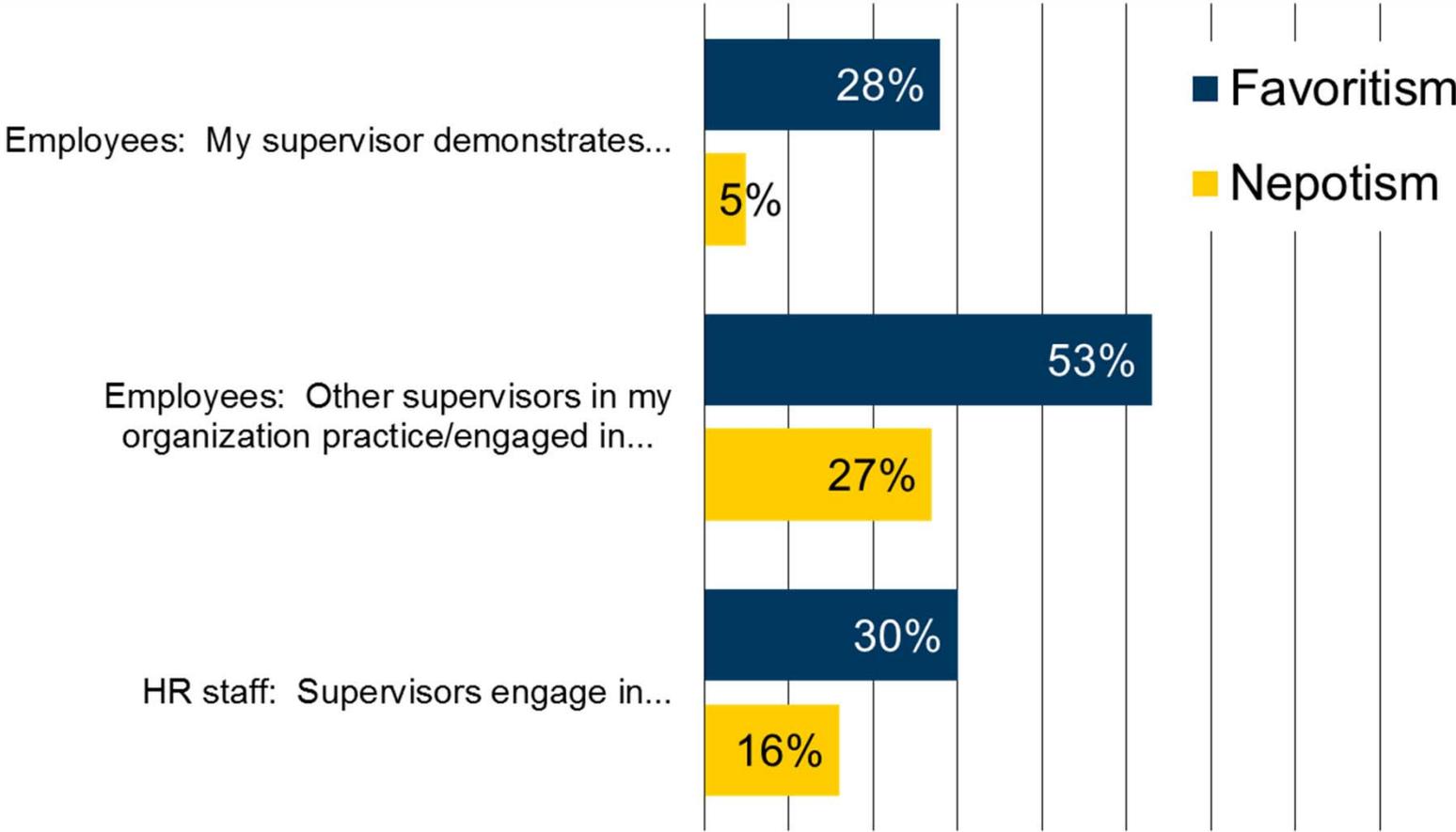
People are promoted because of –



Source: U.S. MSPB, 2007 Career Advancement Survey.



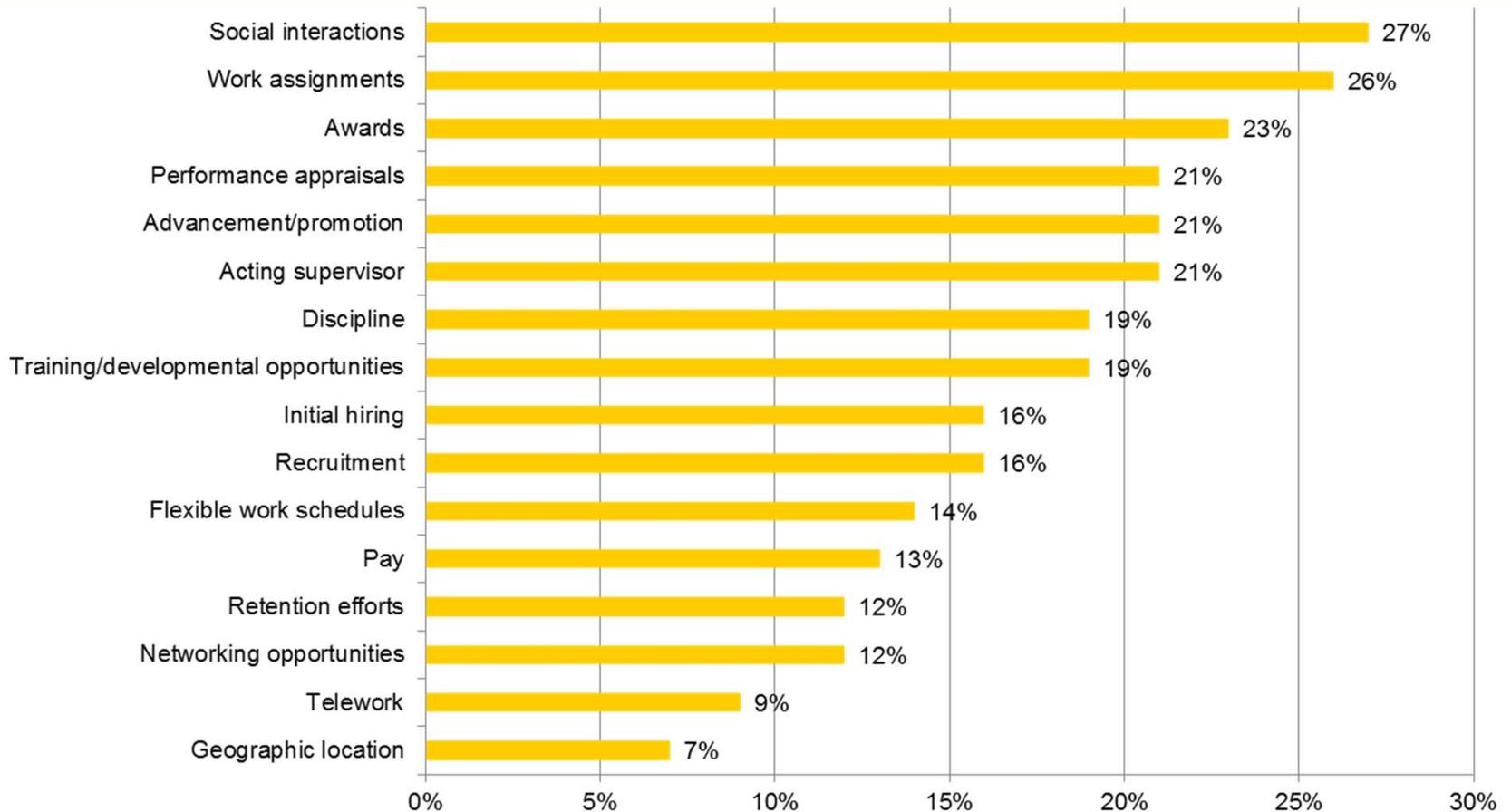
Perceptions of Favoritism and Nepotism



MSPB, Federal Merit Systems Survey, questions 3a, 3e, 10b and 10c.
MSPB, Fair and Open Competition Survey, items .



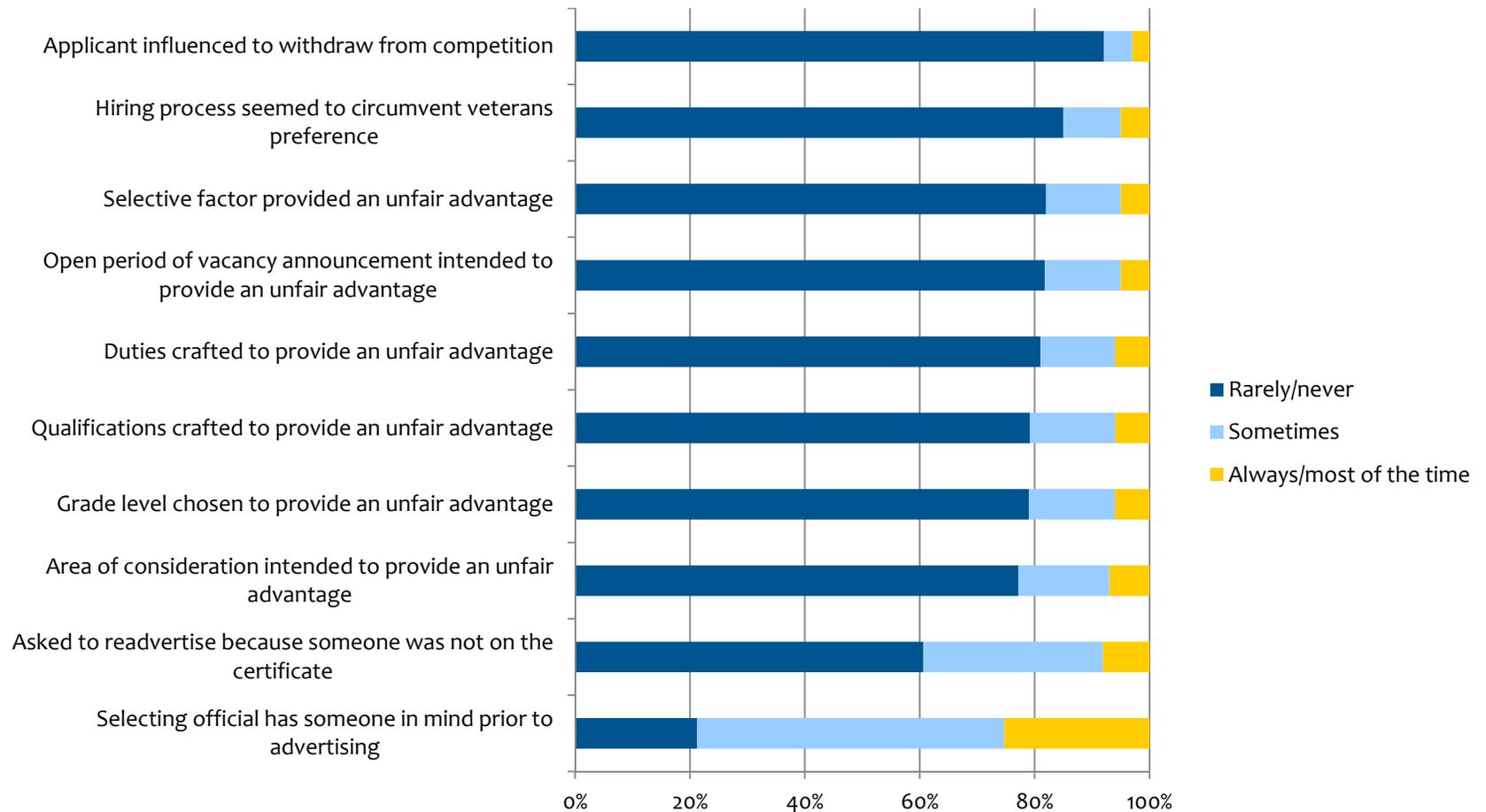
My Supervisor Has Demonstrated Favoritism Through:



MSPB, Federal Merit Systems Survey, question 4.



Human Resources Perspective: Frequency of Debatable Actions



Source: U.S. MSPB, Fair and Open Competition Survey, 2011.

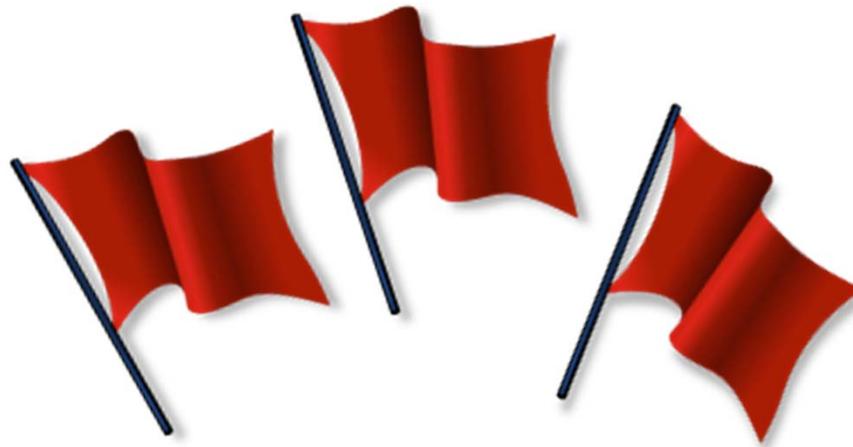


Drivers of Perceptions of Favoritism



Discussion Topic

- Why might an employee perceive favoritism in a personnel decision?



What contributes to perceptions of unfairness?

- HR decisions may be
 - Made without sufficient care or rigor.
 - Made by supervisors who lack necessary skills, information, or training.
 - Poorly communicated.
- Employees believing that they are overlooked, excluded, or devalued.
- Changes in organizational expectations and HR systems.

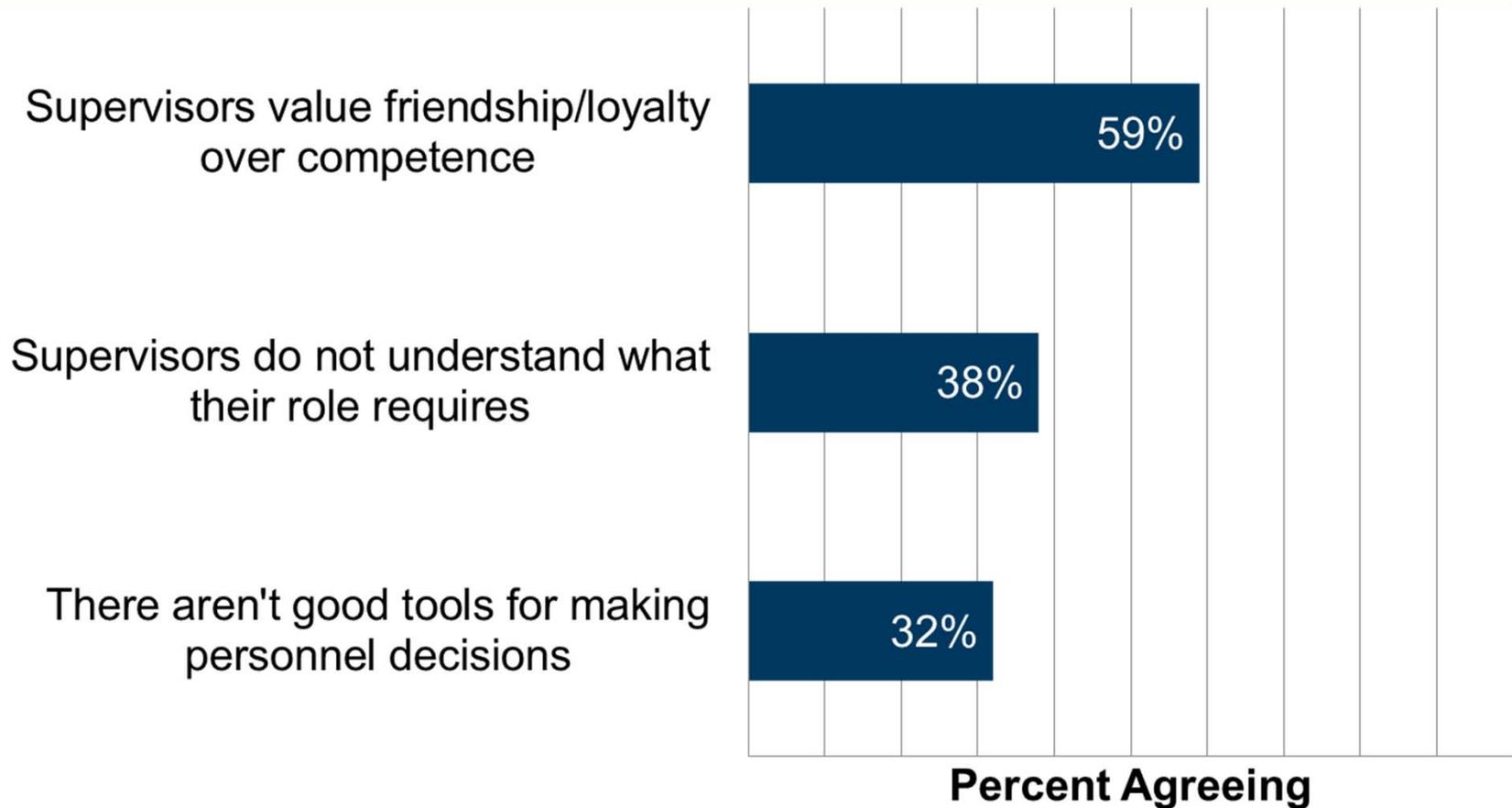


Potential Sources of Misunderstanding

- Applicant expectations
 - Declining availability of opportunities
 - Greater stringency of promotion criteria
- Nature of “Merit”
 - Competencies
 - Performance
 - Organizational citizenship
 - Fit: skills, personality, work unit, organization
- Mechanics of process
 - Screening vs. sorting vs. selection



Why Favoritism Occurs: Employees' Views



MSPB, Federal Merit Systems Survey, question 11 (statements paraphrased).



Discussion Topic

- What factors do (or would) you consider when making a hiring decision?
- How do you evaluate those factors?
- How might applicants or employees view those factors—and your evaluation?



Perceived Appropriateness of Factors Influencing Promotions

Factor	Appropriate?	Considered?
Quality of work experience/technical competence	98%	
Recognized potential	93%	
Education or training	90%	
Dedication to the organization/mission	84%	
Performance in the selection process	79%	
Length of work experience*	67%	
References/contacts who recommended the employee*	47%	
Professional relationship with peers	35%	
Professional relationship with lower level employees	33%	
Professional relationship with higher level employees	18%	
Professional relationship with the selecting official	14%	
Physical attractiveness	3%	
Personal relationship with the selecting official	2%	

Source: U.S. MSPB, Federal Merit Systems Survey, 2011.



Perceptions: Appropriate vs. Actual Factors in Promotions

Factor	Appropriate?	Considered?
Quality of work experience/technical competence	98%	58%
Recognized potential	93%	51%
Education or training	90%	50%
Dedication to the organization/mission	84%	45%
Performance in the selection process	79%	50%
Length of work experience*	67%	45%
References/contacts who recommended the employee*	47%	44%
Professional relationship with peers	35%	34%
Professional relationship with lower level employees	33%	18%
Professional relationship with higher level employees	18%	49%
Professional relationship with the selecting official	14%	47%
Physical attractiveness	3%	15%
Personal relationship with the selecting official	2%	40%

Source: U.S. MSPB, Federal Merit Systems Survey, questions 12 and 13.



Discussion Topic: Performance at Work

Is it appropriate to...

- Go easier on a high-performing employee who makes a mistake?
- Provide more developmental opportunities to high performers?
- Provide more mentoring to high performers?



Employee Views: How Should Performance Matter?

Agree	A supervisor should...	Disagree
57%	Give better assignments to employees who perform well.	18%
43%	Provide more networking opportunities to employees who perform well.	25%
26%	Spend more time mentoring employees who perform well.	41%
8%	“Go easier” on a high-performing employee who makes a mistake.	71%

U.S. MSPB, Federal Merit Systems Survey, question 15.



Discussion Topic: Relationships at Work

Is it appropriate to...

- Socialize more at work with some employees than others?
(How about outside work?)
- Select a candidate you work well with, over a more highly-qualified candidate?
- Select a candidate whose personality “fits” the work unit, over a more highly qualified candidate?



Employee Views: Relationships and “Fit”

Agree	Survey Statement	Disagree
4%	A supervisor should select the candidate with whom he/she most enjoys working even if this results in not selecting one of the most qualified applicants.	84%
12%	A supervisor should select the candidate with the best personality fit with the work unit even if this results in not selecting one of the most qualified applicants.	63%
15%	It's OK for a supervisor to socialize with some employees more than others at work .	52%
25%	It's OK for a supervisor to socialize with some employees more than others outside of work .	40%

U.S. MSPB, Federal Merit Systems Survey, question 15.



Actions: What We Can Do

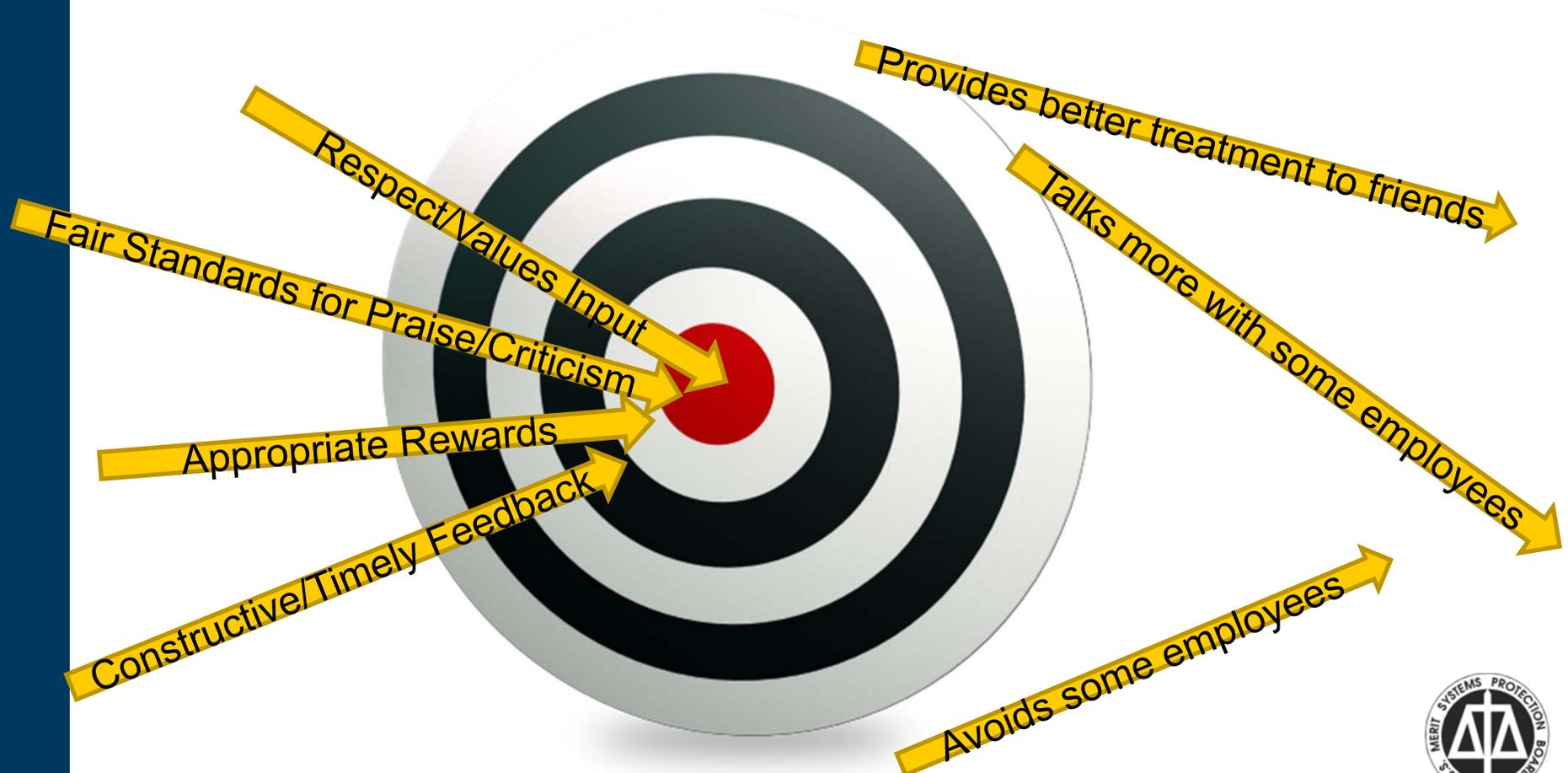


What Should Agency Leaders Do?

- Communicate strong support of MSPs and avoidance of PPPs.
- Hold supervisors accountable for PPPs—and constructive engagement with staff.
- Value and model diversity and **inclusion**.
- Select supervisors based on their ability and willingness to **manage people** effectively.
- Educate supervisors—and employees.



The Impact of Supervisory Behaviors on Perceptions of Fair Treatment

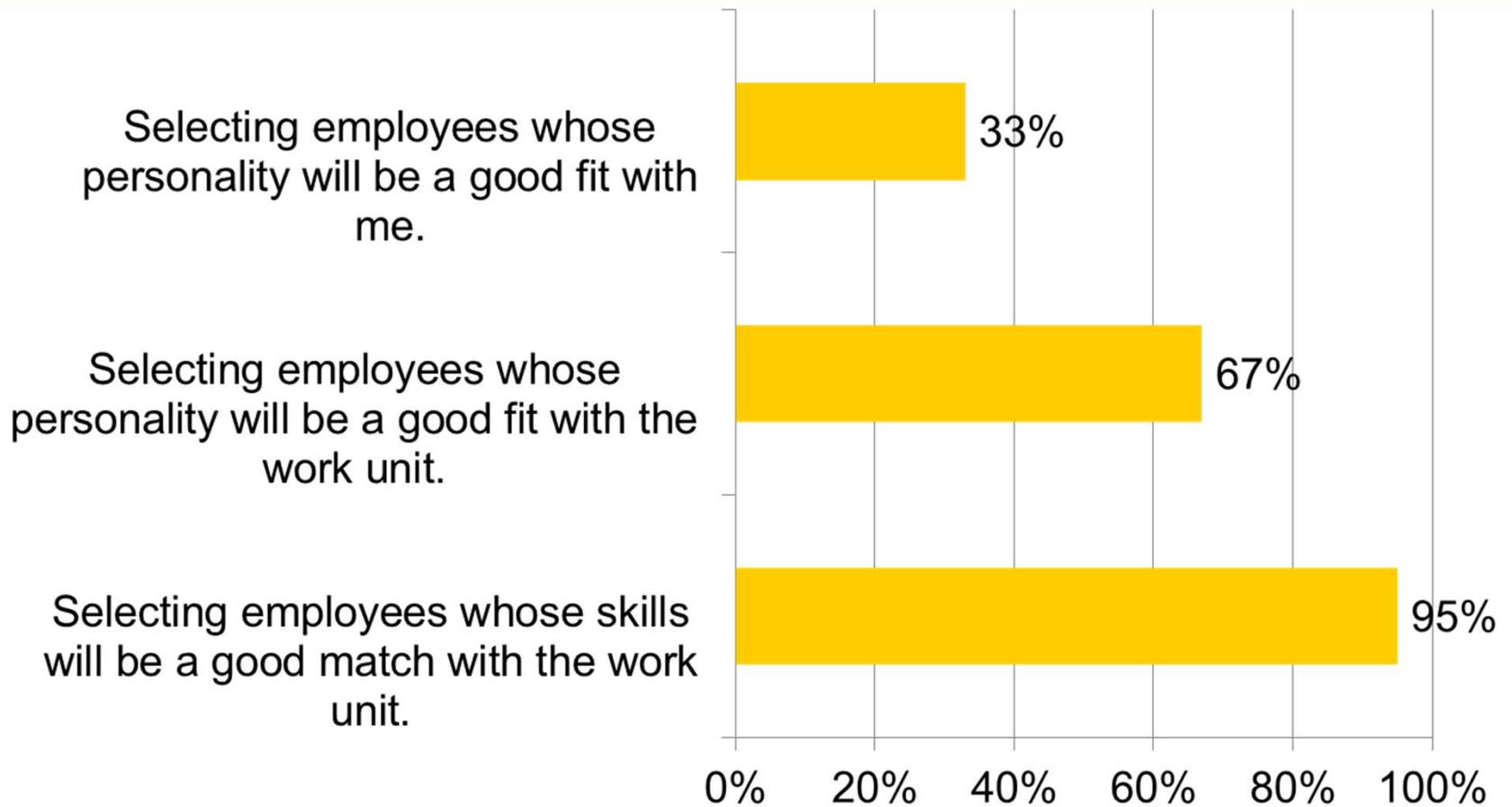


What Should Supervisors Do?

- Honor spirit and intent of MSPs/PPPs.
- Base decisions on work-related criteria, not feelings or relationships.
- Strive for transparency.
- Treat all employees with respect.
- Maintain two-way communication with all employees.



Supervisors' Consideration of "Fit"



Getting the Decisions Right: Some Thoughts

- Focus on the mission and the job (“It’s not about you.”)
 - Take time to identify requirements
 - Know what is needed—and why it matters
 - Look to the long term
 - Know your preferences—and keep them in their proper place



Getting the Decisions Right: Some Thoughts

- Aim for objectivity
 - Consult with HR staff
 - Seek evidence—confirming and disconfirming
 - Use—and give weight to—good assessments
 - Be careful about impressions and instincts
- Strive for transparency
 - Communicate: what is driving the decision?
 - Clarify: what constitutes “performance”?
“Potential”? Relevant training and education?



What Should Employees Do?

- Manage your career actively
- Appropriately leverage professional relationships
- Seek honest feedback and strive to improve
- Discuss concerns with
 - The selecting official/supervisor
 - Colleagues/mentors
 - Human Resources Management



Challenges for Organizations and Leaders

- Identifying and correcting problems
 - Discrimination, favoritism, nepotism
 - Deficient supervision
- Improving inclusion
 - Becoming aware of assumptions
 - Seeing potential
 - Distinguishing business needs from organizational habits and personal preferences

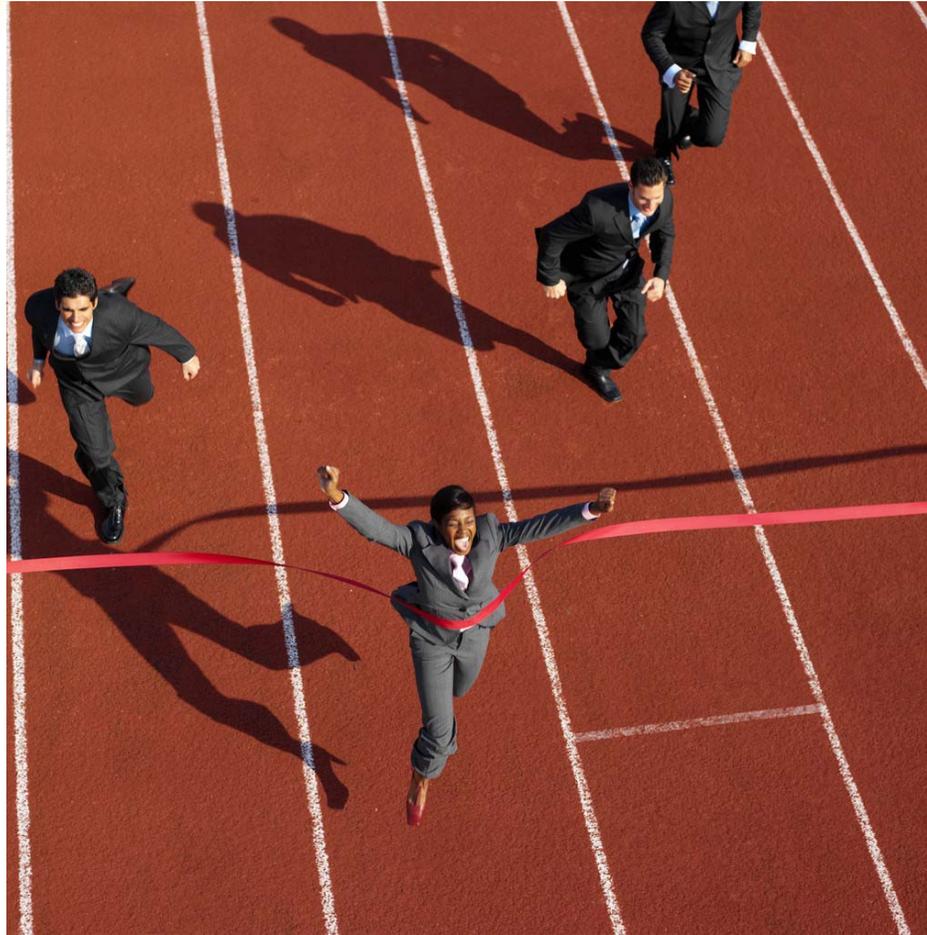


Keep in Mind...

- Compliance and nondiscrimination are essential, but not sufficient.
- Vulnerabilities: both process and perception.
 - Use of “competition” to validate decisions
 - Vagueness regarding “merit”
 - Measurement
 - Applicant (mis)understanding of process
 - Communication of reasons for nonselection



May You Always Win Your Competitions



And if you can't, then may at least your competitions be fair.



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