

Merit System Principles

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Why is Training Necessary?

Office of Personnel Management (OPM) assessment

An important responsibility of OPM is to promote Government wide merit system principles education. In January 1996, OPM's Office of Merit Systems Oversight and Effectiveness undertook a study to assess to what extent Federal managers and supervisors were aware of and able to apply the principles while exercising their human resources management duties. In August 1996, OPM released its findings in a report entitled "Merit System Principles Needs Assessment and Proposed Training Approaches." Among the report's major findings were:



- Managers could not readily recall the individual principles, but they understood their intent. Most were not aware of a formal set of prohibited personnel practices.
- Supervisors have a low level of merit system principles awareness. Many were not familiar with the terms "merit system principles" and "prohibited personnel practices."
- Most managers and supervisors could not readily describe the relationship between the merit system principles and prohibited personnel practices.

What Are the Merit System Principles?

Introduction

The merit system principles are the fundamental precepts which guide the conduct of Federal personnel management. They are the philosophic essence of various pieces of United States (U.S.) Civil Service reform legislation developed over the course of the nineteenth and twentieth

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centuries. Thus, the principles are implicit in the laws, executive orders, rules, and regulations for administration of the Civil Service, and they are the outcomes that the merit system seeks to achieve. The principles are found in section 2301 of title 5, U.S. Code.

What is the merit system?

The merit system is the collection of methods by which the merit system principles are implemented. It is the system by which appointments and promotions in the Civil Service are made, based on job-related competence rather than political favoritism.

The purpose of the merit system is to hire people into the Civil Service on the basis of their qualifications and to advance and retain them on the basis of their job performance and their ability to take on more responsible work. No other considerations may apply in hiring, promoting, or retaining career employees—not political party, race, color, sex, religion, national origin, marital status, age, handicap, or other factors unrelated to the job.



How Did the Principles Come About?

Evolution of the merit system

The merit system evolved over the course of American history in response to the troubles created by patronage under the "spoils system." The roots of political patronage—the practice of making appointments to Government jobs to acquire political advantage—extend back to ancient China where, ironically, the first merit system was developed. The sale of political offices existed in the Roman and Ottoman Empires and during the 17th century in both the French and English monarchies. So, the practice was not a uniquely American phenomenon.

The history of the Civil Service and the subsequent development of the merit system comprise many fascinating "chapters" in the development of our great nation. In retrospect, perhaps the three most important

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"milestone" legislative acts leading to the development of the merit system principles were:

- The Pendleton Act of 1883
- The Intergovernmental Personnel Act of 1970
- The Civil Service Reform Act of 1978

The "spoils era"

At the height of the "spoils era" (1829-1883), each change in national administration was the signal for wholesale removal of Government employees to provide jobs for the supporters of the new President, members of his party and party leaders, and sometimes for the leaders of a faction within the party. The struggles for jobs caused much bitterness, and jobs were openly bought and sold. Incompetence, graft, corruption, and outright theft were common. Indeed, one reformer charged that the spoils system encouraged prostitution!



Civil Service reform bill

In 1881, President James A. Garfield was assassinated by a disgruntled job seeker while waiting to board a vacation train in Washington's old Baltimore and Potomac railroad station. Garfield's death gave new impetus to a Civil Service reform bill introduced 6 months earlier by Senator George Pendleton of Ohio and other powerful proponents of the merit system. Passed in 1883, this Act established procedures to ensure that selections for certain Federal jobs would be open, competitive, and free of political coercion. Then, in the 1930's the Social Security Administration (SSA) required States that receive Federal grants to include merit standards in their employment practices.

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Evolution of the principles

It was not until 1970, though, that the Intergovernmental Personnel Act required States receiving Federal funds to follow six merit principles. Prior to this, there was no clear expression of the principles as they applied to Federal personnel management. Finally, it was the Civil Service Reform Act of 1978 which gave birth to the set of [nine merit system principles](#) and [eleven prohibited personnel practices](#) that we recognize today.

Why are the Principles Important?

Importance

The merit system principles are important because they are the "results" that the merit system seeks to achieve. The principles reflect the public's expectation that the Federal Civil Service be effective, efficient, and fair; open to every citizen; free of political coercion; and served by persons who are honest, competent, and dedicated to the public service.

Statutory guidance

The merit system principles are more than just lofty ideals. They are statutory guidance and give employees increased protection against arbitrary and capricious personnel actions and decisions. They are also sound management precepts, and all managers and anyone who is in a position to take or influence personnel actions must ensure that their decisions and actions are consistent with the principles.

What are the Prohibited Personnel Practices?

Policy

It is U.S. policy that Federal personnel management should be implemented consistent with the merit system principles

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and free from prohibited personnel practices. Located in section 2302 of title 5, U.S. Code, the prohibited personnel practices are the specific actions which must be avoided by managers and all others who take or influence personnel actions. They are statutorily defined to enable Federal employees to avoid conduct which undermines the merit system principles and the integrity of the merit system.

Responsibilities

According to the law, heads of executive agencies and individuals to whom they delegate personnel management authority are responsible for the prevention of prohibited personnel practices. Federal employees found guilty of engaging in these practices may be subject to disciplinary action including removal, demotion, debarment from Federal employment for a period not exceeding five years, suspension, reprimand, or a monetary fine not to exceed \$1,000.

What are the Oversight Agencies?

Agencies

Four Federal agencies have special responsibilities for oversight and administration of the merit system. The following is a brief summary of their responsibilities as related to these functions. These agencies are also responsible for a number of other functions that are not described below.

- OPM—Drafts and enforces the Civil Service laws, rules, and regulations in all agencies in the competitive service. Conducts Governmentwide oversight of all personnel delegations for compliance with the merit system principles, Civil Service laws and regulations, and OPM standards.

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- U.S. Office of Special Counsel (OSC)—Investigates allegations of prohibited personnel practices, prosecutes such cases before the Merit Systems Protection Board (MSPB), files complaints against employees for disciplinary action, and petitions the Board for stays and corrective action. The relationship of OSC to the MSPB resembles that of prosecutor to court.
- MSPB—Hears and decides complaints brought by the OSC alleging prohibited personnel practices and violations of other personnel laws and rules. Issues compliance orders to Federal agencies found to be in violation. Conducts special studies to ascertain whether the personnel system adequately protects employees from prohibited personnel practices. May order corrective actions recommended by the OSC.
- U.S. Government Accountability Office (GAO)—Audits and reviews compliance with the laws, rules, and regulations governing employment in the Executive branch to assess the efficacy of Federal personnel management. Reports annually to the President and the Congress on the significant actions of the MSPB in carrying out its responsibilities, and on whether the actions of OPM are in accordance with the merit system principles and are free of prohibited personnel practices.

Can You Apply the Principles?

Directions

You have learned about the merit systems principles and the prohibited personnel practices. Now let's see if you can apply what you've learned.

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Please review the [nine merit system principles](#) and the [eleven prohibited practices](#) and then review the following case studies:

Case Study 1

Supervisor Bob calls Anne, a hearing impaired employee, into his office and says "Anne, Job B is going to be announced in two weeks. Since you are handicapped I wanted to give you a head start. Here are the KSAs for the position. No one else will have them until the job opens."

Case Study 2

Supervisor Ellen called her best friend Susan to ask if she knew of anyone who would be a good candidate for a policy analyst vacancy Ellen was trying to fill in her office. Susan recommended Mike, whom she had known for quite some time. She urged him to apply for the job, which he did.

Next Ellen asked the personnel office to request a certificate of eligibles from OPM. However, when the certificate of eligibles was issued, Mike, a non-veteran, stood number 2 on the certificate behind a person with veterans' preference.

Not to be deterred, Ellen called the veteran and, after complimenting her on her qualifications, suggested that the agency had other jobs that the veteran would find much more rewarding, and her chances for getting one of those jobs were excellent. The veteran was convinced by all that Ellen had to say and voluntarily withdrew her name from consideration. This meant that Ellen was finally able to select Mike for the job.

Elated, Ellen shared the good news with a fellow supervisor who remarked, "How wonderful! I know him. Mike's an excellent worker. By the way, I heard that he is a political extremist who doesn't mind sharing his views around the

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office." Horrified, Ellen cried, "Oh no!" The last thing we need around here is someone with weird political views . . . Let's put our heads together and figure out how to dump this guy."

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