

Merit System Principles Maturity Model Toolkit



Merit System Principles Training Template for Political Appointees and Executives

Purpose of the Merit System Principles (MSP) Training Template

- This template provides a roadmap for agencies to create customized, agency-specific training for executives and political appointees, who set the tone for the culture of the agencies and have specific responsibilities regarding the fair and effective management of their workforces.
- It is designed to support you in maturing your agency's MSP Training Standard, per OPM's MSP Maturity Model.
- Implementing MSP training for political appointees and executives will result in increased knowledge, understanding, and application of the MSPs, improving agency outcomes as well as enhanced leadership commitment and accountability.

Sources of MSP Information

- [*Keys to Managing the Federal Workforce Guide*](#)
- [*The Merit System Principles: Guiding the Fair and Effective Management of the Federal Workforce*](#)
- 4 CFR 2.4
- [*5 U.S.C. 2301*](#)
- OPM's Merit System Principles Maturity Model (link when published)
- [MSP Question and Answer List](#)
- [Additional MSPB reports, research briefs, and newsletter articles](#)
- [Prohibited Personnel Practices Overview](#)
- [Outreach, Training and Certification Overview](#)
- [Additional Resources for Prohibited Personnel Practices](#)
- [Additional Resources for Outreach, Training, & Certification](#)
- *[AGENCY: Insert additional resources.]*

MSP Maturity Model Training Standard

From the MSP Maturity Model



MSP training is effective when:

- (1) provided to employees at all levels – to include non-supervisory employees, HR staff, supervisors, managers executives, and political appointees – with tailored content that addresses their respective roles in protecting employee rights and preventing violations of law;
- (2) is timely; and
- (3) senior leaders use data to identify areas for improvements.

MSP Maturity Model Training Standard Maturity Levels

Reproduced from the MSP Maturity Model

Reactive Maturity Level

- Content - Formal training (i.e., training that is structured, goal-oriented, and professionally developed) does not exist.
- Timing - No formal training schedule exists. Some components within the agency may conduct ad hoc training. Refresher training does not exist.
- Data - Training data is not collected or, if collected, not reviewed.

Emerging Maturity Level

- Content - Formal training is developed but is not tailored to different employee groups. All levels of the workforce receive the same training.
- Timing - New hires complete formal training within their first year of employment. Refresher training may or may not exist.
- Data - Training data analysis focuses only on the degree to which trainees find the training favorable, engaging, and relevant to their jobs, and the agency uses the information to update the training curriculum and/or schedule, as applicable. The data analysis is not provided to senior leadership to inform decision-making.

Advanced Maturity Level

- Content - Formal training is tailored for only two employee groups, supervisory and non-supervisory. It is not tailored for managers, executives, and political appointees. Formal training content includes, as applicable for each employee group, the application of the MSPs, the potential risks for not adhering to these principles, and impact on management decisions.
- Timing - New hires complete formal training during orientation to the agency, as soon as practicable but no later than their first 90 days of employment with the agency. Non-supervisory employees, HR staff, supervisors, managers, executives, and political appointees complete mandatory refresher training in accordance with the agency's established schedule. Upon employees' advancement into higher levels of responsibility (e.g., become a supervisor, executive, etc.), employees receive the training tailored to the level of that new role as soon as practicable but no later than their first 90 days in the appointment. For instance, tailored training is provided to employees who engage in activities which are susceptible to MSP violations or PPPs (e.g., participating on a rating and ranking panel, an Executive Resources Board, or Performance Review Board).
- Data - Training data analysis includes examination of the degree to which trainees acquire the intended knowledge and skills to adhere to MSPs. Although data is provided to senior leadership, they do not use it to inform decision-making.

Optimized Maturity Level

- Content - Formal training content is tailored for all levels of the workforce regarding their respective roles in protecting employee rights and preventing violations of law.
- Timing - New hires complete formal training during orientation to the agency, as soon as practicable but no later than their first 30 days of employment with the agency. Non-supervisory employees, HR staff, supervisors, managers, executives, and political appointees complete mandatory refresher training in accordance with the agency's established schedule. Upon employees' advancement into higher levels of responsibility (e.g., become a supervisor, executive, etc.), employees receive the training tailored to the level of that new role as soon as practicable but no later than their first 30 days in the appointment.
- Data - Training data analysis includes examination of the degree to which trainees apply what they learned when they are back on the job. Senior leaders use the results of data analysis to inform decision-making, to include identifying obstacles to implementation and developing mitigating strategies.



MSP Training Template begins on next page

Merit System Principles Training

[Sample] Objectives

- Explain purpose and history of the Merit System Principles (MSPs)
- Illustrate importance of MSPs for Political Appointees and Executives at *[agency name]*
- Review each MSP and how it applies to agency workforce management at *[agency name]*
- Discuss impact of MSP Training and consequences of violations
- Share governmentwide and agency-specific resources
- *[Agency: Add agency-specific information.]*

Purpose of the Merit System Principles

- Values by which the federal government manages people
- Foundation of the entire federal Human Resources Management system
- Inherent in the laws, rules, and regulations that shape the civil service
- Provide the basis on which OPM, on behalf of the President and the Congress, holds agencies and individuals accountable
- [Agency: Add agency-specific information. Suggest expanding on each topic above.]

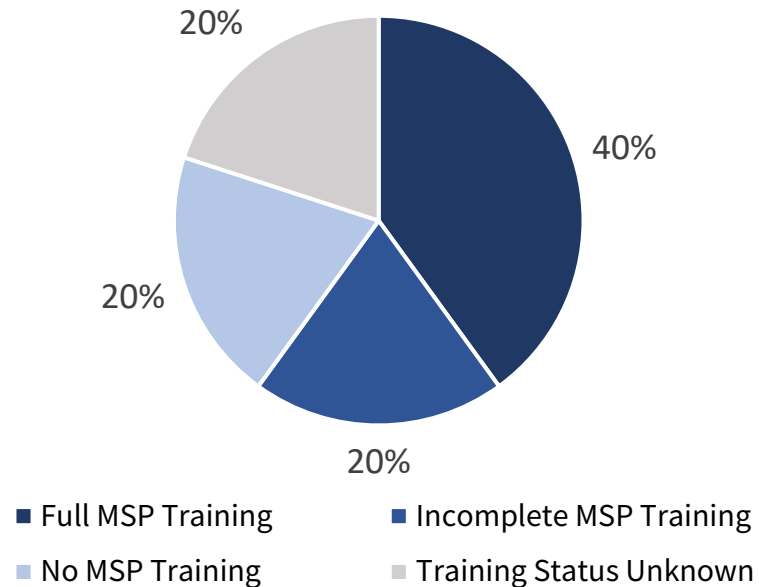
Importance of the Merit System Principles

- Support of the MSPs, and demonstration of that support to your agency is crucial, especially given your influential leadership role.
- Familiarity with the requirements of the federal merit system reduces the likelihood of your workforce committing prohibited personnel practices.
- Though you “*may be experienced executives from the private sector, which is typically an at-will employment environment, it is crucial [you] understand that the Federal sector has its own legal requirements and unique expectations for the management of the workforce, including the **requirement to base workforce management decisions on merit rather than political, familial or other personal connections.***”
- [Agency: Add agency-specific information. Suggest expanding on each topic above.]

[Source: [The Merit System Principles: Guiding the Fair and Effective Management of the Federal Workforce \(mspb.gov\)](https://www.mspb.gov/publications/merit-system-principles), pages 15, 16, 22]

MSP Training: Status and Impact

Governmentwide: Agency Report of MSP Training Status for Political Appointees

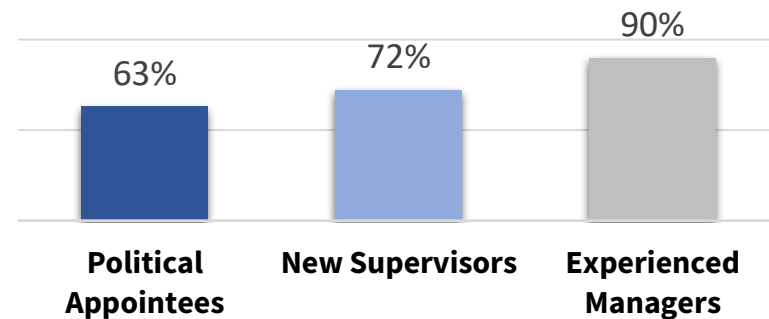


Agencies indicated less than half of their political appointees received full training on the MSPs.

[Agency: Update slide to add agency-specific information and the most recent Governmentwide data]

Non-supervisory employees expressed lower confidence in political appointees possessing good-to-excellent knowledge of the MSPs compared to their confidence in new supervisors and experienced managers.

Governmentwide: Employee Confidence in their Leaders' Knowledge of the MSPs



[Source: [The Merit Systems Principles: Guiding the Fair and Effective Management of the Federal Workforce \(mspb.gov\)](https://www.mspb.gov/publications/principles-guiding-the-fair-and-effective-management-of-the-federal-workforce), pages 13-16]

MSP #1: Recruitment, Selection, and Advancement

Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force 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 which assures that all receive equal opportunity.

[Sample] Applications

- Applaud employee integrity and ethical decision making.
- Manage the agency workforce with a merit-based approach.
- Hold employees accountable to job duties.
- Require agency recruitment, selection, and advancement process reflect objective, written standards of merit and fitness and are documented so to reflect that selections have been made without discrimination on the basis of race or national origin, sex, age, marital status, physical disability or political affiliation.

Example [Agency: Insert agency-specific example for political appointees and executives.]

Political appointee Kim manages the finance department and a position becomes vacant. Kim wants to fill it quickly and not require applicants to compete for the vacancy. Initially, Kim wants to use direct hire authority (DHA). However, based on previous recruitment efforts, HR advises there is no Governmentwide DHA for this position, nor is a critical hiring need for this position, or a history of severe shortage of candidates per 5 CFR 337.204(b). Kim then determines in consultation with HR that the appropriate recruiting strategy is implemented instead.

MSP #2: Equity

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 handicapping condition, and with proper regard for their privacy and constitutional rights.

[Sample] Applications

- Mandate fair treatment and nondiscrimination of applicants and the workforce.
- Require merit-based decisions.
- Select managers with strong skills in managing people and sufficient technical competence.
- Hold management accountable for their workforce management decisions.
- Analyze data to assess representation and employee perceptions.

Example [Agency: Insert agency-specific example for political appointees and executives.]

Political appointee Ty needs to fill three permanent positions. He planned to fill the positions with colleagues from the most recent political campaign without posting to USAJOBS. He directed Dylan, his subordinate manager, to make it happen. Dylan reminded Ty that federal recruitment and selection procedures must be followed. Dylan also told Ty he must post the job announcement to ensure all applicants receive the same opportunity to apply for the positions. Ty agreed to announce the positions, resulting in a candidate pool with more highly qualified candidates than the colleagues he originally thought to appoint. He made merit-based selections.

MSP #3: Compensation

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.

[Sample] Applications

- Comply with appropriate pay band or pay schedules (equal pay for equal value).
- Follow rules and regulations on incentives, appraisal awards to apply relevant recognition for employees who exceeds expectations.
- Investigate compensation complaints of potential pay discrepancies immediately.
- Monitor the utilization of the performance management and recognition process and hold all management officials accountable for appropriate implementation.

Example [Agency: Insert agency-specific example for political appointees and executives.]

SES Carol held the annual agency award ceremony to recognize employee excellence. She spontaneously decided to recognize one of her subordinate managers Shonda with a QSI. Shonda thanked her and said she “couldn’t believe she’d gotten two QSIs in six months!” After the ceremony, HR notified Carol that Shonda was not eligible for a QSI because she had recently received one, but that Carol could use other incentives to recognize Shonda’s contributions. Carol publicly acknowledged her error about QSI regulations and reminded the workforce that managers are held accountable for following performance and awards policies correctly. She also recognized Shonda with an appropriate incentive.

MSP #4: Conduct

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

[Sample] Applications

- Implement standard Ethics training for the entire workforce. Assure no one is “above” being held accountable.
- Put procedures in place to act quickly when improper conduct is occurring. Hold yourselves and subordinate leaders accountable.
- Hold employees accountable to job duties (including ethical decision making) with consequences (termination during probationary period, improvement plans, individual development plans, disciplinary or adverse actions).
- Applaud employee integrity when reporting wrongdoing.
- Hire employees who will maintain high standards of integrity for the public interest.

Example [Agency: Insert agency-specific example for political appointees and executives.]

Phil and Sam are long-time co-workers who built a friendship, too. Phil is now Sam’s supervisor. Their agency offers few work/life balance programs. However, Sam created his own flexible schedule that is not compliant with his agency’s maximum telework or time and attendance policies. Sam assumed that because of his relationship with Phil that he would not mind Sam’s “initiative to create a healthier work/life balance.” However, an agency customer alerted Phil that Sam was not available during business hours. Upon review, Phil identified Sam’s time and attendance misconduct. Despite their friendship, Phil held Sam accountable with a verbal warning and followed up with an email documenting the conversation.

MSP #5: Utilization

The federal workforce should be used efficiently and effectively.

[Sample] Applications

- Ensure all supervisors and managers are educated on MSPs and PPPs.
- Continuously review operational processes to identify inefficiencies or areas that require adjustments. Be open to feedback and willing to make changes to improve effectiveness.
- Promote initiatives that enhance employee morale and engagement.
- Ensure that resources are allocated strategically to support the agency's mission and objectives. Political appointees should advocate for budget allocations without political motivations.
- Avoid narrowly focusing on fiscal concerns and short-term benefits at the expense of their people.

Example [Agency: Insert agency-specific example for political appointees and executives.]

Executive Eli wants to create a GS-15 position to lead a new mission in his organization. He wants it to be grade level GS-15 to reflect the importance of the project. However, Eli follows the advice of his HR liaison and works with HR to create a position description for the position. Based on an analysis of the identified job duties for the new position, and of the qualifications needed to complete those duties, HR classifies the position at grade level GS-14. The position is recruited and filled at the GS-14 level, properly and efficiently using agency resources for the new position.

MSP #6: Retention

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.

[Sample] Applications

- Provide and attend rating official training for all management officials.
- Implement formal policy that regularly offers high performers motivation to stay with the organization and internal method(s) to hold managers and supervisors accountable for not following agency performance policy.
- Provide and attend training on how to approach and effectively resolve performance-related complaints.
- Administer a fair and consistent performance appraisal and rating process for political and non-political appointees that conforms to the requirements of the agency's appraisal system and complies with law and regulation.

Example [Agency: Insert agency-specific example for political appointees and executives.]

Agency leaders implement and enforce adherence by all management officials to a performance improvement policy/process to fairly monitor and improve poor performance, including concrete measures to gauge improved performance, with removal as a potential outcome for those who will not or cannot improve.

MSP #7: Employee Training and Development

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

[Sample] Applications

- Integrate training plans into an organization's overall strategy and organizational performance plans.
- Resource competency/skill gap analyses and use the results to inform workforce training plans. Also resource the evaluation of training outcomes and use the results to improve workforce training plans.
- Create an organizational culture, including effective channels of communication, that encourages ongoing learning.
- Establish dedicated training budgets so that funds and/or resources are available for employees to get training they need.
- Validate supervisors, managers, executives, and political appointees receive appropriate supervisory and managerial training.

Example [Agency: Insert agency-specific example for political appointees and executives.]

An executive avoids reducing training as a cost-cutting measure by determining that the organization would be trading short-term financial benefits for long-term knowledge and skill retention.

MSP #8: Neutrality

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.

[Sample] Applications

- Hold managers and supervisors accountable for adhering to the merit system principles, practicing merit-based decision making, and avoiding intentional and unintentional favoritism.
- Demonstrate zero tolerance for partisan political coercion and discrimination.
- Do not use your official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
- Do not pressure employees to engage in political activity in violation of the Hatch Act.

Example [Agency: Insert agency-specific example for political appointees and executives.]

Political appointees and executives avoid basing personnel decisions on the political affiliation of the employees and/or applicants involved.

MSP #9: Public Interest

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.

[Sample] Applications

- Ensure supervisors' performance objectives communicate that supervisors must promote the protection of whistleblowers. [5 U.S.C. § 4302(b)]
- Work collectively to ensure a workplace free of harassment and discrimination of any kind.
- Do not impose a nondisclosure agreement or policy that does not allow whistleblowing.
- Communicate to the workforce that reprisals against whistleblowers will not be tolerated and inform employees of their rights if they become whistleblowers who are subjected to retaliation.

Example [Agency: Insert agency-specific example for political appointees and executives.]

An agency establishes a whistleblower protection performance element for all supervisory performance plans.

MSP #9 Case Study: Whistleblower Retaliation

Summary of Wilson v. Department of Veterans Affairs, 2022 MSPB 7

- Mr. Wilson, a Department of Veterans Affairs (VA) supervisor in charge of equipment sterilization, attempted to get the Agency to replace inadequate and defective equipment.
- He was demoted for conduct related to his management of the sterilizing equipment.
- Wilson alleged his demotion was retaliation for his attempts to get the Agency to replace equipment.
- The Merit Systems Protection Board (MSPB) found these attempts were protected disclosures under the Whistleblower Protection Act as a substantial and specific danger to public health and safety.
- MSPB ruled that the VA retaliated against Wilson for his whistleblowing activities.
 - MSPB determined that because Wilson's disclosures reached higher levels of management who did not correct the problem, and because the disclosures reflected poorly on those accountable for VA's overall performance, the disclosures created a motive to retaliate. MSPB also determined that the VA failed to adequately investigate the charge against Wilson, further indicating a motive to retaliate.
- MSPB ordered the VA to reinstate Wilson to his prior position, along with backpay and benefits. They also allowed him to seek compensatory damages.

[Agency:
Incorporate
examples of MSPB
cases to illustrate
MSP violation
impact.]

Upholding the MSPs at *[insert agency]*

[Agency: Insert ideas/suggestions tailored to circumstances at your agency.]

- Add customized examples for how to uphold the MSPs at your agency.
- Use creative methods to communicate the information:
promote discussion, encourage real life examples, use polling questions.]

Consequences of MSP Violations at *[insert agency]*

Political appointees and executives, as well as agencies themselves, face several direct consequences when MSPs are not followed.

[Sample] Consequences

- Legal Repercussions – Violations of a law, rule, or regulation directly concerning or implementing an MSP can lead to legal action against the agency and its political appointees and executives, including possible disciplinary actions like suspension or removal.
- Financial Penalties - Agencies may be required to pay back pay and interest, as well as compensatory damages to affected employees.
- Reputational Damage - Political appointees, executives, and their agencies can suffer significant reputational damage, impacting public trust and future recruitment.
- Operational Impact - Failure to follow MSPs can disrupt agency operations, lower employee morale and productivity, and increase turnover.
- Increased Oversight - Agencies involved in prohibited personnel practices may face heightened scrutiny from oversight bodies, leading to audits, investigations, and corrective actions.

[Agency: Insert ideas and suggestions tailored to agency circumstances. Recommended discussion points include legal repercussions; workforce morale, productivity and retention impacts; MSPB case study examples; and Prohibited Personnel Practices.]

Additional MSP Resources at *[insert agency]*

[Agency: Insert ideas/suggestions tailored to circumstances at your agency.]

Recommendations:

- *Agencies add resources for political appointees and executives.*
- Recommend including any agency-specific resources along with the Governmentwide resources.]