

Merit System Principles Maturity Model Toolkit



Merit System Principles Training Template for Supervisors and Managers

Purpose of the Merit System Principles (MSP) Training Template

- This template provides a roadmap to create customized, agency-specific training for supervisors and managers as those roles are highly influential in managing the workforce and making personnel decisions.
- It is designed to support you in maturing your agency's MSP Training Standard, per OPM's MSP Maturity Model.
- Implementing MSP training for supervisors and managers 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



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

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.



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 Supervisors and Managers 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

- Familiarity with the requirements of the Federal merit systems reduces the likelihood of your workforce committing prohibited personnel practices.
- Support of the MSPs, and demonstration of that support to your employees is crucial, especially given your key roles:
 - navigating the Federal human resource management system and differentiating appropriate personnel actions to recruit, hire, and retain employees
 - implementing effective performance management practices to set expectations and encourage effective performance
 - impacting workforce morale and engagement

[Agency: Add customized information about the Importance of MSPs for supervisors and managers.]

[Source: [The Merit System Principles: Guiding the Fair and Effective Management of the Federal Workforce \(mspb.gov\)](https://www.mspb.gov/principles/)]

MSP #1: Recruitment, Selection, and Advancement

Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce 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

- Safeguard fair and open competition through the employment or promotion of employees based on possession of the right skills, knowledge, and experience.
- Use efficient recruitment strategies, such as an appropriate mix of hiring authorities, to target all segments of society, including veterans.
- Engage in the recruitment process with Human Resources Subject Matter Experts by validating hiring needs, creating and certifying job analyses, and applying appropriate skills assessments and accurate selection criteria.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Supervisor Chris requested a nonjob-related question be added to the assessment for a mail carrier vacancy duty-stationed in Washington, DC. Chris and the rest of his team are stationed in Puerto Rico, where all the positions in his division require language proficiency in English and Spanish. The agency reorganized and Chris was now supervising remote employees based in the Washington, D.C. commuting area. Although the job tasks for the Washington, DC location required the employee be able to speak to diverse groups, bilingual proficiency was not required. However, Chris thought it should be required as the rest of his team's position had that requirement. He felt the remote employee would be somehow less qualified if they didn't possess the language proficiency. HR reviewed the assessment and provided feedback that the assessment must be based on job-related knowledge, skills, or abilities, and that the language proficiency requirement was not necessary for that duty location. HR did not include the nonjob-related question, as it violated the core value of hiring based on possession of qualifications—rather than personal opinions.

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

- Treat employees fairly in all aspects of their work life.
- Make merit-based personnel decisions.
- Manage a positive employee-management relations culture with a method of communicating with employees in the system.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Hiring manager Marcus needs to fill an IT Specialist vacancy. He considered hiring a candidate recommended by a senator, who phoned to say she hadn't met the candidate but had heard great things about him. However, after consulting HR, Marcus realized this action would violate the federal merit system, which makes it illegal to solicit or consider employment recommendations based on political connections or influence. Thus, he gave all applicants equal consideration and selected the candidate best equipped to do the job regardless of political affiliation.

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

- Confirm new employees are onboarded with appropriate pay based on applicable pay band or pay schedules.
- Investigate compensation complaints of potential pay discrepancies.
- Provide awards and monetary recognition to employees who exceed expectations based on applicable rules and regulations on incentives.
- Consult with HR to ensure that positions are accurately classified to assess the position responsibilities and the appropriate pay for that work.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Rose, a newly hired employee, went to her supervisor, Marge, regarding her pay as she believed it was inaccurate. Upon further review, Marge determined her pay did not include the appropriate locality pay based on her location as required. Marge reached out to HR to fix the error.

MSP #4: Conduct

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

[Sample] Applications

- Conduct outreach that targets all segments of society when recruiting prospective employees.
- Actively engage in the recruitment process by validating hiring needs, creating and certifying a job analysis, and applying appropriate skills assessments.
- Enforce consequences for poor performance or misconduct, and managers hold supervisors accountable to do so.
- Use the range of tools available for performance improvement including improvement plans and termination during probationary periods.
- Determine pay and awards based on merit.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Hiring manager Pam is recruiting for an Accountant position on her team. She found two candidates highly qualified based on interview responses. Pam was especially excited that Candidate 1 had attended Pam's alma mater. Pam conducted reference checks for both candidates and received quite different results. Although Candidate 1 did not disclose this in her interview, Candidate 1's previous employer disclosed that Candidate 1 had resigned her previous position because she was confronted about her misuse of funds. The previous employer did not, however, discipline or terminate the employee. Alternatively, the results of Candidate 2's reference check were all positive. Pam decided to hire Candidate 2 as a result. Pam's decision to not hire Candidate 1 was due to a substantiated negative reference check. She did not factor in her personal connection to their shared alma mater.

MSP #5: Utilization

The federal workforce should be used efficiently and effectively.

[Sample] Applications

- Choose and train supervisors who are both willing and capable of executing all MSPs.
- Ensure employees receive the necessary support to perform their jobs effectively to fulfill the agency's mission.
- Regularly evaluate the organization's staffing needs to ensure resources are allocated efficiently.
- Encourage employees to suggest improvements to processes and workflows, leading to more efficient operations.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Agency XYZ is a Shared Service Provider with a mission of meeting each client's specific needs. They have 5 clients; each client requires at least 8 service representatives to complete the tasks in the Service Level Agreement. Each client is fully staffed, but they notice an increase on their backlog for Client 1. Client 2 has a current lull in work being received. Normally, service representatives work in silos specialized to a specific client. However, after assessing the current workforce demand, Agency XYZ developed a strategy to temporarily move a service representative to support Client 1. This allowed the agency to utilize the workforce at appropriate staffing levels within their allocated budget and meeting the requirements in the Service Level Agreement.

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

- Rate employees on the same standardized performance plan design and timeline to determine adequacy is fair and accurate.
- Attend rating official training to avoid tendencies for biases that influence daily work decisions and experiences and annual performance ratings.
- Consistently provide all employees with supervisor-employee performance-based dialogue, elicit feedback, conduct regular progress reviews and suggest and offer training opportunities to improve job performance.
- Attend training for coaching poor performers to stay on track and increase awareness on how to approach and resolve performance-related complaints and make corrective actions.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Supervisor Barbara regularly presents constructive feedback to her employee Melanie at least once per year. This helps Melanie know her expectations, and how to make better decisions to reach set developmental milestones and goals. As a result, there should be no surprises when her formal performance review is conducted.

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

- Participate in competency assessments with employees and use the results to determine employees' training needs.
- Create an organizational culture that encourages ongoing learning.
- Engage employees and teams about existing and upcoming training opportunities.
- Provide employees with the opportunity to complete effective training to improve both organizational and individual performance.
- Provide supervisors with the opportunity to complete mandatory supervisory training and refresher training in a timely manner and hold them accountable to do so.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Lee, a supervisor, strategically aligns his employees work to allow time in their schedules to attend suitable trainings that will contribute to each person's individual training or development plan. After an employee attends a training, Lee requests they present a small piece, or an overview, of the training they attended in the next group meeting. By doing so, it allows other employees to receive a quick synopsis to determine if they want to attend it as a future training if it aligns with the knowledge, skills, and abilities they want to improve.

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

- Source personnel decisions on organizational needs, job requirements, and merit, rather than on favoritism, personal preferences, or affinities.
- Do not use 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 supervisors and managers.]

Due to limited funds, supervisor Sam can only approve one employee for a new training opportunity this quarter. Sam selects employee Ellen to attend the training because Ellen is her good friend. This will be a violation of the MSP#8 because the decision should be based on merit and job-related criteria, not on the supervisor's personal relationship with the employee.

MSP #8 Case Study: The Hatch Act

Summary of *Special Counsel v. Mark*, 114 M.S.P.R. 516 (2010)

- In a case brought before the Merit Systems Protection Board by the Office of Special Counsel, Mr. Mark forwarded one email to several co-workers soliciting political campaign donations.
- The Board found that Mark did violate the Hatch Act.
- However, it stated that several mitigating and aggravating factors should be considered to determine if removal is the appropriate penalty. These included:
 - the nature of the offense and the extent of the employee's participation;
 - the employee's motive and intent;
 - whether the employee knew the activity was forbidden;
 - whether the employee continued the actions;
 - the employee's past employment record; and
 - the extent of the political nature of the activity.
- Mark had an otherwise satisfactory performance record, only sent one email, and he sent it to co-workers, not to employees under his authority, and he testified that he did not realize it was a Hatch Act violation. Taking these factors into account, the Board concluded that the activity did not warrant removal.
- The Board instead reduced the penalty to a 120-day suspension.

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

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

- Create an environment of transparency and demonstrate zero tolerance for retaliation.
- Carefully select and train supervisors and hold them accountable.
- Support whistleblower protections and reinforce them to subordinate supervisors (and periodically to the entire organization workforce).
- Work collectively to ensure a workplace free of harassment and discrimination of any kind.
- Respond attentively and promptly to problems in a manner that encourages employees to voice their concerns.

Example [Agency: Insert agency-specific example for supervisors and managers.]

Division Manager Stephanie received results from a recent employee survey. The results showed a low percentage of satisfaction with communication and retaliation in the workplace. So, Stephanie increased the frequency of the town halls from bi-yearly to quarterly, including a new quarterly newsletter to follow each town hall. The town halls and newsletters re-enforced current policies, procedures, and updates. They commonly included whistleblower protections policy, employee rights for lawful disclosures, and the complaint process available for those who may have been subject to retaliation. One year later, the same survey was sent out and the Division saw a significant increase in satisfaction with communication in employees.

Upholding the MSPs at *[insert agency]*

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

Recommendations:

- *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]*

Supervisors and managers, 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 supervisors and managers, 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 - Supervisors, managers, 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 managers and supervisors*
- *Recommend including any agency-specific resources along with the Governmentwide resources]*