

INTRODUCTION

Supervising federal employees is different from supervising employees in any other system—military, private sector, health food stores, the NFL, hippie communes, or anywhere else. And you must understand these differences and be able to work within them if you're ever to become even a moderate success as a federal supervisor. Supervising federal employees is different for four main reasons.

First, the federal service operates within a framework of rules and regulations that governs all aspects of employment from hiring to retirement (or quitting or being fired). Sure, all large organizations have rules, but here's the difference between them and us: the feds take them seriously—especially those dealing with the major personnel management decisions—hiring, classification, discipline, firing. And not only do they take them seriously, the important ones are enforced by agencies outside of your own who have the authority to overturn what you have done, and in some cases, to even take disciplinary action against individual supervisors for serious violations of employee rights.

For example, an organization called the Office of Special Counsel investigates most allegations of prohibited personnel practices and has the authority to bring on its initiative disciplinary charges against federal employees (usually supervisors and HR specialists). And since its 1979 creation, OSC has sought discipline against dozens of supervisors and HR specialists for violating employee rights.

Second is the need for consistency. Not only do you work within a system of rules, these same rules must be enforced evenly and not selectively. Selective or uneven enforcement of rules is a common defense employees raise before any outside challenge or appeal: EEO complaints, MSPB appeals, labor grievances, and all other tribunals that hear federal employee challenges.

And because of this greater appellate coverage, federal supervisors must be ruthlessly consistent in their treatment of employees—even as we'll see, when it hurts. You must always be concerned with the precedential effect of important decisions. When you're dealing with problem employees or a disciplinary situation when you're tempted to let a serious offense pass because of fear that the offending employee will file some sort of complaint or challenge and drag you through that torture: think not about what happens if you take action, but what will happen when you don't. In federal service, what you allow your worst employee to get away with becomes the workplace standard.

Third is job tenure. In private industry, non-unionized employees (89.7% of the private sector workforce) serve at will (except for the rare cases where they're under a contract) and can be fired on the spot for any reason or no reason (except for prohibited reasons like discrimination and a few others). In a management book a few years back, the author discussed how to deal with an employee who has great potential, and while certainly not incompetent, was only performing at an above

average level. His answer: fire him or her, and replace the employee with a better one.

You laugh at this, and, after five decades of dealing with federal employees, so do I. No way you'd ever get away with that in federal service with a tenured employee, but you would in private sector without even having to lie about the real reason. In federal service, though, tenured employees (generally permanent employees past probation) have due process rights when removed, RIF'd, or victimized by other serious job actions. They have numerous procedural and substantive rights, including usually an appeal to an outside party before whom you carry the burden of proving your case. As we'll see, it's a myth that you cannot fire a federal employee, or that it takes forever. Indeed, it's frighteningly easy, but you have to ensure that certain rights are granted and protected when you do it.

But here's the real problem that tenure creates: dealing with the satisfactory and better employees poses obviously no problem for supervisors, and so too, believe me or not, is dealing with employees who are indeed incompetent. We'll show you later and it is that easy if you're serious.

But the real problem is this: the system makes it virtually impossible to get rid of a *marginal* employee—one who is barely above the firing level and while not incompetent enough to fire, you just cannot let him or her handle any important or complicated assignment without the closest supervision, correction, and guidance. You are stuck with that employee for as long as he or she chooses to stay and choose to perform marginally.

The same occurs with conduct issues. Just as you cannot remove a marginal employee for performance, you cannot discipline employees who commit marginal offenses—acts that you definitely do not like, and definitely poison the work site, but it's almost impossible to deal with through any sort of formal sanction. You've all seen that man or woman with the nasty sullen bitter attitude who goes around all day, not just griping like you and I do, but constantly ridiculing the agency, federal service, everybody in management, their coworkers, and virtually everything the agency does—but never a specific defamatory or malicious accusation against a specific person, just this generalized toxic grousing. Because if you try, we're stuck with that principle of consistency we discussed earlier. You suspend somebody for bad-mouthing the agency, and he or she turns around and points to virtually every coworker, and they all do, who complained about something management did. And then you try to say, "Oh, but he's different, because he does it more" or some other lame justification, and...aww, just forget it.

What this means is that you must be cold-blooded in both hiring and probation—far more than your friends in private industry who could fire somebody the day before retirement. Because once our federal employees (a) get hired, and (b) complete probation, you are stuck (again, unless the person is indeed incompetent or committing specific disciplinary offenses).

Last is motivation. Federal employees march to the beat of a different drummer. This is a bit of an oversimplification, but in private industry, it really is mostly about the money, even if it actually is only a scorecard.

However, federal employees, for the most part are motivated much differently. The National Park Service has an over-used saying, “We pay our people in sunsets.” Laugh if you want, but there is almost literal truth in that saying. What brings good men and women to the Park Service is not salary or the great sex, but those sunsets and all they signify—the challenge, the fun, the interest, the coworkers, the desire to help people and make a difference, and, yes, the pride in wearing the flat-brim campaign hat.

I’m not a Pollyanna and I realize that there are some awful jobs in federal service and some components of federal agencies that are less desirable than others, but virtually every federal agency has its own version of paying people in sunsets— aspects of the job that we’ll discuss in more detail later that draw and retain good men and women who, are happy to be paid well, but want more out of their careers than being able to spend money.

And this is not theoretical, an MSPB study in 2006 found that 85% of new federal employees listed “wanted to make a difference” as a major factor in choosing a federal job. Sure, the money’s nice, but in federal service it is much more about excitement, meaning, fun, independence, control, decision-making, challenge, and opportunity. Therefore federal supervisors must use entirely different motivational strategies—those that focus on the inherent qualities of the job itself.

As a federal supervisor, you have five major personnel management responsibilities that follow a natural progression of hiring, assigning duties, managing performance, maintaining discipline, and managing time. And sprinkled into every one of those five core responsibilities are additional issues of dealing with employee medical problems, equal employment opportunity, and labor-management relations.

You’ll probably never read this entire book cover to cover, so I’ve tried to make each chapter stand alone as a separate topic you can refer to when you wish, but at the same time since they are all related in some form, I’ve tried to maintain a continuity and flow and will often refer to a link in a previous or upcoming chapter. I’d suggest that you do read the first two chapters, especially the second that carefully lays out your legal rights as a supervisor and your corresponding legal duties to your employees that lay the foundation for every other topic in the book. At the end of each chapter is a quick summary and in some reference materials and decision flows. I hope I can help.

CHAPTER 1

FEDERAL EMPLOYEES AND WORK

It's the job of a manager not to light the fire of motivation, but to create an environment to let each person's personal spark of motivation blaze.

—Frederick Herzberg

MANAGING PEOPLE: WHERE YOU DO AND DO NOT MAKE THE DIFFERENCE

Most people who teach and write about managing people hold one of two views of human nature and how supervisors should therefore manage it in the workplace. On the one extreme is the pliable view—that you can make anybody do anything with the right stimuli, usually incentives, disincentives, sweet talk, nasty talk, or pep talks. This view places the supervisor in the role of therapist where the solution to every problem or defect with an employee is to change the employee, usually through some variation of counseling or training. And you've probably experienced this if you've been to any government supervisory class taught by anybody with a degree in counseling, therapy, social work, or the like.

The other extreme is the determinist view, which holds that you cannot change the way people are. Every aspect of their personalities, traits, attitudes, prejudices, skills, and behaviors is set in concrete and there's nothing you can do to change them. Therefore, the role of the supervisor is to change the work environment and adapt it to the employee. You've probably seen this if you've been to training that taught you to manage people based on stereotypes. For example, many instructors are making a lot of money teaching supervisors how to manage employees from different generations based on the idea, as expressed on one website, "It's important that managers change rather than trying to change the staff." Simply look at the employee's date of birth, and everything follows from that.

Neither, however is correct. The answer, as with most all issues in life and management, lies somewhere in the middle. The reality is that there are some things about people that you can change, and an almost equal number that you cannot. And an important starting point in any discussion about supervision is a keen understanding of what you can and what you cannot change about your employees. Let's start with what you cannot change and then turn to what you can.

WHAT YOU CANNOT CHANGE

Motivation and Work Ethic

You cannot motivate employees. You can, of course, demotivate them. But if you, for whatever reason, have hired somebody or been handed somebody who simply does not want to be there, there is nothing you can do. As we'll discuss in detail later in this chapter, your role in motivation is aptly described in the epigraph at the top of the chapter, not to light a spark, but to create the right environment in which motivated employees can flourish.

Therefore, you start by hiring employees who already are motivated, and then create the right environment with the factors we'll discuss later. Because if somebody is not already motivated, no amount of clever words, financial inducements, appeasement, improved working conditions, or other incentives are going to change the person.

Same with the related issue of work ethic. If you've hired or inherited the employee who simply has a diffident attitude towards coming to work, finishing work on time, and doing it well, you'll not be able to somehow manipulate that employee into anything resembling somebody who cares.

Psychological Make-Up and Personality Traits

You cannot change the way people are wired or their inherent traits. A BIA police chief had an officer who, although well-trained, was simply too docile and compliant. This trait surfaced in numerous encounters where he backed away from taking the necessary steps when aggressive suspects simply intimidated him into backing down.

Another Indian police supervisor had the opposite: a cop whose performance was magnificent and outshone his six fellow officers, but he received far more complaints—none for misconduct, excessive force, sexual harassment, wrongfully citing or arresting—or any one of the acts of misconduct police officers usually commit. Rather, he simply was strong-minded and condemnatory. When he arrested a woman for cooking meth in her kitchen in front of her children, he told her she was a bad mother. When he cited people going 65 mph in a 15 mpg school zone, he told them that speed kills and that they were endangering children's lives with excessive speed.

Both supervisors asked what they could do to change the employees. Both behaviors are deeply rooted in their personalities, and you're not going to change the first one with any sort of assertiveness training. And you're definitely not going to somehow change the second one into a diplomat. He has what Karl Jung, the founder of analytic psychiatry, called a hero complex—an obsession with setting the world right and with helping people. He's Batman and you'll not change that.

And so it is with employees who have pathological fears, lack creativity, have obsessive personalities, despise confrontation, enjoy confrontation, and a host

of other deeply rooted personality traits. Marlon Brandon, for his entire adult life, was being treated by a tag team of world-class psychiatrists in Beverly Hills and Manhattan, and he remained, until his death at 80 a bitter, angry, disturbed, and unfulfilled emotional shell. If they couldn't do it, neither can you.

Talent

Talent, not skill, is the inherent ability and capacity to do the job and learn the skills required. Writing ability, for example, is an inherent talent that requires years, if not decades, of honing. Mark Twain was writing professionally in his teens, and then with extensive honing eventually became one of America's greatest authors. You're just not going to improve the writing of a poor writer with a three-day class.

Mathematic ability is similarly something you either have or you do not. Yes, you can take that and turn it to calculus, trigonometry, and other math disciplines, but you cannot take somebody without that inborn talent and try to create it. And so it goes with other raw talents.

WHAT YOU CAN CHANGE

Skills and Knowledge

A PBS documentary showed a manager from the corporate headquarters of The Container Store, talking about hiring, and she said "We don't look for skills. You can teach people anything." And she goes on to say that what they look for is enthusiasm and talent—themes we'll revisit later. It is rare in both private sector and federal service to see selections in which skills or knowledge were over-riding or determining factors. They were *always* secondary.

An HR specialist I did some work for with the Department of the Interior went to work in HR at the Forest Service, a job she sought fondly. I ran across her a year after she started when the Forest Service asked me to do some work in Idaho in connection with an incident, and I was working with her and a few others. I was astounded at how much she had learned, coming into the job cold, about specific Forest Service operations. And not just the jargon, but down to the granular detail of equipment, tactics, personnel, and operational methods.

I asked her how she mastered so much in a short time, and she modestly evaded, but I knew the answer. First, she was motivated. She wanted that job, she wanted to be with the Forest Service, she wanted to be in Idaho, and she wanted to learn and be a part of what they did. And added to that was the raw talent to learn different skills, it's obvious, and you see it all the time with motivated employees.

For example, it's a slow Friday afternoon and everybody else is winding down and thinking about the weekend, but she goes down to a different department and starts chatting with experts about what they do, and how this or that is done. Or maybe during some dead time, when others go the Internet to check sports scores, she pulls out some fire investigations and studies them.

And I'm sure you've all had similar experience with subordinates or coworkers where

you saw somebody who was motivated and wanted to be there, learn a new and often difficult skill, or ingest detailed knowledge of a topic previously completely foreign. Motivation and talent almost always overcome skills and knowledge shortcomings.

Adherence to Rules

We'll spend considerable time on discipline later, but adherence to rules, both written and unwritten, is for the most part highly situational. We all read about horribly corrupt federal units or agencies where everybody from top to bottom was helping themselves to government property and equipment, spending outlandish sums on clearly unauthorized purchases, and violating seemingly every rule in the ethics book. Yet, it wasn't because the employees were inherently dishonest, rather they were, as we all do, adapting and fitting into the environment they were put into. An Army colonel told me once, "When one employee does something wrong, it's an employee problem. When two employees do it, it's a management problem."

In the movie, *Serpico*, Al Pacino plays the character based on the real-life Frank Serpico, the New York cop who blew the whistle on the extensive corruption in the NYPD in the 1970s. In one of the early scenes, his sergeant comes in and hands all the cops in the precinct, including new cop Al Pacino, an envelope containing \$700 cash—equivalent to about a month salary for a NY cop at that time. Al Pacino asks what this is for, and the sergeant gives a reply to the effect of what's the big deal, that's your cut. The sergeant didn't ask Pacino to do anything, he didn't ask him to overlook a crime, he didn't make him promise leniency for his brother-in-law. He just handed him an envelope, which as it turns out is part of the payoff from a gambling syndicate. What would you have done? And that is how good people end up committing mortal institutional sins—good people being thrown into a bad environment.

On the other hand, if you take those people out of those corrupt organizations and put them into an honest, well-run, efficient, and ethical organizations, of which many exist in federal service—Social Security Administration, the IRS, US Geological Survey, or the Air Force, to name a few of many—they will adapt to that too and do what is right.

Performance Outcomes

No, you cannot make a silk purse out of a sow's ear, but employee performance is for the most part, highly malleable. If you take an employee with even average talent, psychological make-up, and motivation, you can materially affect their level of performance.

If you set clear goals that challenge the employee, you follow up on those goals, you point out when those goals are in danger of not being met, and create all manner of positive consequences when they're achieved, you can significantly affect employee performance.

Therefore, in dealing with all aspects of managing people, stay keenly aware of

what you can and what you cannot change. Spend your time and effort working on those aspects where you can make a difference, and don't waste your time trying to change what you cannot.

*People don't change that much
Don't waste time trying to put in what was left out
Try to draw out what was left in
That is hard enough.*

—Marcus Buckingham and Curt Coffman in
First, Break All the Rules

WHAT MAKES FEDERAL EMPLOYEES TICK: WHAT LITTLE YOU NEED TO KNOW ABOUT MOTIVATION

Much of this book is about motivating employees. No, not in the wrong sense we discussed above where you're playing the cheerleader and the therapist, but in the sense that most of what you do in human resources management affects not merely efficiency of operations, but the motivation and drive of employees.

For all that has been written or taught about motivation, for our purposes, we can reduce it to a few essentials—especially given our raw material in federal service, men and women who are, as we've mentioned, for the most part eager to live a life that makes a difference.

Understanding why federal employees act the way they do is the foundation for everything you do as a federal supervisor. You don't have to be a psychologist, but you do need some insight into why federal employees perform, because supervising federal employees is different from supervising private sector employees for a variety of reasons, not the least of which is why people go into the jobs they do. In this chapter, let's talk about motivation, job satisfaction, happiness, and how you apply those principles to the federal worksite. Let's start off with some general principles by looking at why people work.

WHY PEOPLE WORK

All the empirical data on the subject supports two important principles about people on the job: (1) the overwhelming majority of people want to work, and (2) they want to do it well.

People Want to Work

First, people want to work. Work is where you validate your worth as a human being; work is where you forge your strongest relationships; work is where you find mates; work is where you achieve most of what is important in life. As Studs Terkel said about work, "It is about a search, too, for daily meaning as well as daily bread, for recognition as well as cash, for astonishment rather than torpor, in short, for a

sort of life rather than a Monday through Friday sort of dying.” *Working*, Studs Terkel and Rick Ayers (New Press, March, 2001).

No less an authority than The Boss himself, Bruce Springsteen, spoke of this in an interview with *Rolling Stone*:

I never knew anybody who was unhappy with their job and was happy with their life. It’s your sense of purpose. Now some people can find it elsewhere. Some people can work a job and find it some place else but I don’t know if that’s lasting. But people do find ways...Or else they join the Ku Klux Klan or something. That’s where it can take you.

If you haven’t seen it or heard of it, watch the [YouTube video](#) of Ashton Kutcher’s passionate rant when he accepted the Teen Choice Award in 2013. The most quoted excerpt,

There are some really amazing things that I learned when I was Chris [his first name before changing to Ashton at nineteen], and I wanted to share those things with you guys because I think it’s helped me be here today. So, it’s really three things. The first thing is about opportunity. The second thing is about being sexy. And the third thing is about living life. So first opportunity. I believe that opportunity looks a lot like hard work. When I was thirteen I had my first job with my Dad carrying shingles up to the roof, and then I got a job washing dishes at a restaurant, and then I got a job in a grocery store deli, and then I got a job in a factory sweeping Cheerio dust off the ground. And I’ve never had a job in my life that I was better than. I was always just lucky to have a job, and every job I had was a stepping stone to my next job and I never quit my job until I had my next job. And so opportunities look a lot like work.

Then he goes on to define sexy as being smart, and living life as Steve Jobs described—where other people live in your world, not you in theirs.

To be sure, not all share the views of Bruce Springsteen, Ashton Kutcher, and the overwhelming majority of you readers. There are some who don’t. Interestingly, all the reliable studies show the same rough figures—about four in five people share the views above and have a strong inner drive to work. For example, a poll of AARP members found that 84% of its members said that they would work even if they didn’t need the money. Significantly, AARP includes people 50 and over, so we’re not just talking about the so-called “greatest generation” of the Depression/World War II veterans, but about the Baby Boomers like me who grew up in the 1960s and all that entails.

A study by the Confederation of British Industry, the equivalent of the American Chamber of Commerce found that 80% of people surveyed said that if they won the lottery, they would return to work. Don’t laugh. A local news station in Sacramento did a piece about an 84 year old postal worker who was still schlepping mail because he enjoyed meeting people, even though he had—catch this—won the California lottery *twice*.

Daniel Yankelovich, the Time magazine pollster, and John Immerwahr of Villanova completed one of the best studies of why people work, with a focus on the American work ethic. *Putting the Work Ethic to Work* (Harcourt Brace 1982). This comprehensive study of American workers reached a surprising conclusion: work ethic is alive and well in America. They polled a cross section of American workers in all different types of jobs and occupations, blue collar and white collar, to examine their motivation and attitude towards their jobs during a time when the prevailing wisdom was that Americans had lost their work ethic.

Yankelovich and Immerwahr found otherwise. Americans, they concluded, were just as devoted to the work ethic as anybody else. All the responses showed a strong dedication to work values throughout the United States that matched or surpassed that in other industrialized countries—including Japan. The problem was not that Americans lacked work ethic, but that American management had not successfully tapped into it.

Those Who Want to Work Want to Perform Well

Second, people who want to work want to do it well. In the Yankelovich/Immerwahr study above, one interesting question asked of a huge cross-section of American workers was:

“Agree or Disagree: I would rather work for a supervisor who *demanded* high quality work.”

[Emphasis added.]

Before I give you the answer, take a guess: What percentage of American workers do you think agreed with the statement? Thirty percent? Forty? Fifty? Sixty? Higher? The answer: 81%. I was stunned when I first saw it, because go back and look at the question—they’d *rather* work for a supervisor who *demanded*, not merely suggested or encouraged, high quality work.

This is also good news for federal managers because it means that people would rather work in a high-performing environment than a low-achieving one. A lot of you may have suspected that intuitively, but the empirical data from the study above and others confirms it. Employees want to do work they can be proud of; they want to work in an organization with high standards of performance and behavior; they want to be challenged. And they don’t want to work in a place with low standards where nobody cares one way or another whether anything gets done well or even whether it gets done at all.

The significance of these two principles is that it is the inherent qualities of the job that attract, retain, and motivate people. Therefore, the foundation for all your efforts to motivate your employees must necessarily center on the job itself. You hear a lot these days about Gen X, or other stereotypes of people from different generations in the workforce, most of which are based on the premise that people are different now and that what attracted and motivated people 20, 30, or 100 years ago simply does not apply any more. I was reading a federal manual on alternative work schedules that touts them as being necessary because, “people are different