



Testimony of

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**Senate Subcommittee on Oversight of Government Management, the Federal
Workforce, and the District of Columbia**

**Senate Committee on Homeland Security
and Governmental Affairs**

**Developing Federal Employees and Supervisors: Mentoring, Internships and
Training in the Federal Government**

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Chairman Akaka, ranking member Voinovich, and members of the subcommittee, I appreciate the opportunity to appear before this distinguished subcommittee on the important issues of training, mentoring and interning in the federal government. As president of the National Treasury Employees Union (NTEU), representing more than 150,000 federal employees in over 31 different agencies and departments throughout the government, I am pleased to add NTEU's perspective to this important subject.

Mr. Chairman, NTEU is pleased to support S. 674, the Federal Training Supervisor Act. As you know, we were early supporters of a similar measure when it was introduced in the 109th Congress. NTEU testified in support of the supervisor training proposal back in 2006, and we continue to believe that supervisor training, accountability and development are pressing concerns for human capital management in the federal sector.

We believe the *lack* of proper training among managers and supervisors is reflected in some of the current problems facing the workforce today. For example, there is a great buzz among policy and personnel experts about the gridlock in hiring. To its credit, OPM is addressing this. Yet many agencies' hiring officials do not even know about the importance of competitive hiring – which I will talk about later in my testimony – and the merit system principles which led to the creation of the country's professional and nonpartisan work force. Nor do they understand the various hiring authorities and are often unaware of the requirements tied to different authorities. In its 2008 report, discussing the decline of competitive hiring, the Merit Systems Protection Board (MSPB) said, “our survey results also indicate that many supervisors may not be aware of the implications of their use of these alternative hiring authorities and the specific training and assessment responsibilities that accompany their use.” (*McPhie letter, June 2008*)

The report went on to state: “The authority that was used to hire an individual appeared to often be a product of convenience or coincidence rather than the result of a thoughtful and deliberate choice to effectively use the most appropriate hiring authority.” (MSPB p. ii) The report discusses that 43% of supervisors involved in hiring said no one discussed training or assessment responsibilities required by different hiring authorities.

Another area that cries out for training is the proper implementation of the General Schedule system. As I testified during the subcommittee's hearing on pay-for-performance proposals, the GS system is a structured system. It has rules, standards and evaluations which must be written. It has both merit and market components—with grade and career ladder promotions subject to merit standards. There is limited ability for favoritism, discrimination or other non-merit determinations to come into play. Non-performers can be denied merit pay increases and outstanding performers can be given many rewards, including quality step increases, annual leave, retention (and recruitment) bonuses that are available. Yet there is a great misunderstanding about how to properly implement the GS system.

And that is directly related to a lack of training on how it works. NTEU would support additional training to ensure the proper implementation of the GS system.

A perfect example of an agency in need of properly trained managers is the Transportation Security Administration (TSA), where our Transportation Security Officers (TSOs) have little or no consistent direction. This is the agency that has the lowest morale, yet among the highest attrition and accident rates. Frontline employees, who are responsible for important homeland security screening,

often are left in the dark about expectations and directives. Managers need to understand that employee performance goes hand in hand with – as your bill describes – “fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees...” Training is direly needed at TSA.

As we understand it, S. 674 requires new supervisors in the federal government to receive training in the initial 12 months on the job with mandatory training every three years afterwards. Current managers will have three years to obtain the initial training.

The original bill specifically required that training be interactive and instructor based for new supervisors. NTEU supports this. For supervisor training to be meaningful, it must be more than simply the review of written material. Training delivered by training professionals in a situation – either face-to-face or internet based – which allows dialogue, questioning and interaction between student and teacher is an indispensable feature of an effective program. I understand some of the interactive provisions have been eliminated from the current bill and NTEU was disappointed in this. In today’s world, interactivity is a valid teaching tool, and has become common practice in universities and educational institutions. If investing in interactive tools early on produces better management, it will be well worth it. I would ask you therefore, Mr. Chairman, to consider including the original interactive provisions.

Overall though, the Akaka bill has great value as it requires more than simply training in the supervision of employees but in working with employees, communicating with them, and discussing their progress. A good manager needs to do more than correctly evaluate an employee. A good manager needs to know how to develop an ability to help his or her subordinates become top performers and be able to communicate with and hear from employees. A well trained manager knows how to motivate employees, build teamwork, and be flexible rather than rigid in workplace situations.

Thankfully, S. 674 includes significant provisions on supervisor training on prohibited personnel practices. NTEU testified in support of this four years ago, and we are pleased to see these provisions. They include violations of statutorily prohibited discriminatory actions and whistleblower activities as well as employee collective bargaining and union participation rights, and the procedures to enforce employee rights. A key way to lessen discrimination in the federal workplace and ensure workplace fairness is for proper supervisor training so that these personnel fully understand the duties and obligations they have.

NTEU is also pleased to see that the Akaka bill calls for agencies, under the direction of OPM, to develop competencies supervisors are expected to meet in managing employees. This will amount to standards that can be measured to ensure the effectiveness of the supervisor training programs. NTEU has always supported meaningful standards for supervisor training.

Frontline Employees’ Training

Mr. Chairman, an agency is only as good as the quality of its employees. And bad or little training for managers and supervisors is a recipe for disaster with employees. While this legislation has important provisions intended to improve training for supervisors and managers, NTEU would support adding additional provisions to train current employees to be able to advance in their careers. While sound managerial training is critical, career advancement of frontline employees up the ladder, so to speak, can enhance the effectiveness of a federal agency. These are the employees who see the daily

challenges and accomplishments of the agency's responsibilities, and they often have invaluable insights on what works, and what doesn't work.

It is unfortunate that the federal government was reduced by about 400,000 workers in the 1990s, and as a result we have a shortage of middle level employees who can take over. If the expected retirement tsunami really occurs, we must start now to provide current frontline employees the training necessary to advance in their careers. In addition to training, S. 674 has important mentoring provisions for other managers and supervisors. We would suggest including mentoring provisions that can be applicable to current frontline employees as well so they can grow professionally and enter the management world if they choose. NTEU supports mentoring and believes this would greatly enhance the bill.

The Federal Employed Women (FEW) also stressed the importance of mentoring employees in a statement it released just this month. According to FEW, women represent 44% of the federal workforce. Yet slightly more than 29% are in the SES. In speaking of the importance of mentoring, FEW says, "Women need to have leaders to whom they can ask questions, obtain advice about their careers, receive suggestions on career moves, training needs, and special project assignments, and obtain general information about the process of moving up the career ladder. (*April, 2010 Statement on Diversity in Federal Government*) I would argue, Mr. Chairman this is what all federal frontline employee need and want—the ability to move up in their careers. Mentoring in this arena would be invaluable.

Finally, NTEU would urge, as we have in the past, that a funding source be found for this legislation. As you know, Mr. Chairman, training programs are all too frequently the first to be cut when budgets are tight. And since the bill does not provide an authorization for these new training programs, I am concerned the agencies could simply not implement them, or use them as an excuse to cut other needed workforce initiatives. NTEU would support efforts to fund the training programs as well as mentoring programs.

Federal Career Intern Program (FCIP)

With respect to internships, NTEU believes the conversation about establishing more internships, possibly with excepted service hiring cannot start until a very major issue is addressed, the abuse of the Federal Career Intern Program (FCIP). I was disappointed to see FCIP listed on the newly designed OPM website for students because it I believe it was mischaracterized as an actual student intern program. It is not an intern program, and NTEU supports the repeal of FCIP for the following reasons.

FCIP was proposed and implemented on an interim basis in 2000, and became a permanent hiring authority under final OPM regulations in 2005. It was originally billed as a limited-use special hiring authority designed to provide formally-structured two-year training and development "internships." Instead, the FCIP has become the hiring method of choice for many agencies because agencies can use it for almost any entry-level position, with no limit on the number of "interns" they may hire, and no requirement that competitive recruitment and selection procedures be followed.

Since 2003, U.S. Customs and Border Protection has used FCIP as its exclusive method for hiring all incoming Customs and Border Protection Officers (CBPOs). It has since expanded its use of the FCIP to hire all incoming Border Patrol Officers and Agriculture Specialists. On January 22, 2009,

CBP announced plans to hire 11,000 new employees last year, mostly under FCIP. The Federal Deposit Insurance Corporation began using FCIP in 2005 to hire Financial Institution Specialists. In 2006, the Internal Revenue Service began using FCIP to hire key enforcement employees, including Revenue Officers, in its Large and Medium-Sized Business and Small Business/Self-Employed Divisions.

According to the Merit Systems Protection Board (MSPB), (*June 2008 report*) FCIP has become the third most commonly used hiring authority in the government. In its first year, about 400 employees were hired under FCIP. That grew to over 7,000 in 2004. In FY 2005, nearly 10,000 new hires entered the Government through FCIP and more than half of new hires in professional and administrative jobs who entered at the GS-05 and GS-07 level were FCIP candidates.

Yet, despite its widespread use, the MSPB has identified problems with this so-called “intern” program including misuse of the program’s flexibilities by federal agencies. According to MSPB, (*September 2005 report*) “...our study found that agencies relied on limited tools to recruit applicants to the program, used weak pre-hire assessment tools and failed to use the internship as a trial period to correct weak assessment tools. Others did not provide training and development activities to career interns as required.”

MSPB cited several specific areas concerning how the FCIP is detrimental to both employees and the general public. For example, it highlighted that there is no requirement that vacancies be publicly announced, resulting in recruitment so narrowly targeted—often limited to college campuses—that information about FCIP vacancies is hard to find. IRS, for example, targets its FCIP recruitment mainly to college campuses. Agencies can exploit this loophole to prevent veterans’ preference-eligible candidates from learning about and applying for positions;

In addition, there are poor evaluation methods for selecting FCIP applicants and generally no specialized training and development are provided during the internship period. The agencies often also fail to use the internship period as a real trial period, to balance the weak selection assessment criteria, according to MSPB. MSPB also criticized OPM for not exercising any real oversight over the program.

NTEU Actions on FCIP

Because of the rampant abuse that NTEU saw with respect to this so-called internship program, in January, 2007, NTEU filed a federal court suit against OPM challenging the legality of the FCIP regulations. Our case is based on the regulations’ design and the implementations by the agencies. In July of last year, we won an important ruling that will allow our direct challenge on FCIP to go forward and we are awaiting a decision on the final outcome.

In addition, we participated in two other cases. One was brought by a disabled veteran who alleges that the Social Security Administration’s use of the FCIP obstructed his opportunity (as well as that of other veterans) to compete for jobs, in violation of veterans’ preference rights. In this case, the agency advertised FCIP positions only by a posting on the state university’s career services web site, which was accessible only to students and alumni. This posting made it impossible for the disabled veteran to learn of, or apply for, these vacancies. In the second case, NTEU participated in a friend-of-the-court brief and oral argument on behalf of a disabled veteran who was improperly denied his veteran’s preference rights when DoD filled two auditor jobs with FCIP applicants, passing over the plaintiff.

Mr. Chairman, the FCIP turns the whole concept of an "internship" program on its head, particularly by agencies like CBP and FDIC, which use FCIP authority to hire nearly all incoming entry-level employees as "interns." This is not a program like the current Student Career Experience Program, which I will discuss later, that serves as a learning experience for students in college or graduate school. Rather, the FCIP is a hiring authority that allows agencies to hire without posting internally – thus depriving qualified internal candidates from advancing – and giving employees a two, and sometimes three year, probationary period. It also wreaks havoc on the competitive examination process, which has been a pillar of fairness in the federal workforce, by allowing non-competitive conversions to permanent jobs.

Because it is easy to see how FCIP is *not* an internship program, NTEU believes that it is crucial that FCIP be recognized for what it is, and be terminated without delay. Only then should the conversation about expanding legitimate student internships or designing new ones for hard-to-fill positions with a demonstrated need, begin.

Competitive Hiring and Internship Expansions

Mr. Chairman, because of the abuse of FCIP, you can see why NTEU is sensitive to further "intern" expansions. Yet we realize there are thousands of talented students currently in college who will seek jobs in public service. There are several proposals pending in congress to create additional internships in government, as well as scholarship proposals to pay up to \$60,000 a year to students in order to attract them to government. Most of the proposals allow conversions to federal service outside of the normal competitive channels. NTEU supports limited initiatives, including targeted internships and scholarships to recruit employees who have special fields of expertise that are in demand in the government. For example, students or recent graduates may be fluent in critical languages, or they may have expertise in sciences or other fields for which there is a shortage of qualified candidates for government positions. We have no problem making exceptions to the normal hiring process to draw these talented individuals to public service where there is a demonstrated need. But we do have problems – and do not support-- enacting additional broad intern programs or scholarship initiatives that circumvent the civil service's long-held competitive hiring requirements that are based on the merit system principles if there is no demonstrated need. That would be a regressive and unwise step backward.

It is the competitive service, after all, based on the merit system principles that exemplifies the high standards we want in a public sector workforce. For example, Principle 2 states: "All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliations, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights." Principle 3 calls for equal pay for work of equal value; Principle 4 states employees should maintain high standards of integrity and conduct; Principle 7 says, "Employees should be provided with effective education and training..."

Mr. Chairmen, do we really want to expand hiring programs that circumvent these very important principles? NTEU is committed to continuing to build a talented and vibrant civil service workforce that responds the federal government's 21st century needs. But we are opposed to programs that encourage circumventing these principles except in narrow cases. Rather, we support a return to competitive hiring in public service for all, including the thousands of talented, bright and promising students who aspire to public service as their career. And we are confident they can compete.

With respect to those who argue that hiring is too cumbersome under normal competitive hiring channels, NTEU does support reforming that process. We believe there are areas in which hiring can be streamlined. It is possible lengthy KSAs are no longer needed in the initial application process, and legitimate testing that does not discriminate may be an assessment option. NTEU has given input to OPM on hiring reform and we stand ready to work to make the system run more smoothly. That said, NTEU remains firmly in support of fair competition, equal treatment, veterans' preference, and adherence to the merit principles.

Existing Federal Intern Programs

Finally, it is NTEU's position that the current federal intern programs should be the building blocks for attracting talent to the government. Rather than create a patchwork of additional intern programs scattered throughout government, NTEU would urge the subcommittee to use the existing frameworks should any additional internships be necessary. The Student Career Experience Program (SCEP) allows the appointment of students to positions that are related to their academic field of study. The program gives managers and supervisors an opportunity to see the student's potential and evaluate his or her performance in a real work arena. And the program does allow interns to convert if they prove themselves. This could be the basis for targeted hard- to- fill jobs.

The Presidential Management Fellows (PMF) program is another intern program that allows agencies to obtain outstanding graduate, law and doctoral-level students who serve for two years and can become valued members of an agency's workforce. This prestigious program can help our federal agencies continue to attract high quality, talented employees while utilizing OPM's resources in handling the recruitment and assessment process. But, numbers are important, and if the program grows, it should still have a reasonable cap on numbers of fellows.

In addition to these two programs, OPM's website lists an array of apprenticeships, cooperatives, fellowships, grants, and internships that students and prospective employees can seek out. NTEU would recommend better information- sharing on these programs, and better utilization of them by agencies seeking additional talent in the 21st century. We do not need to reinvent the wheel on internships, but rather utilize those that exist, and if necessary, improve them.

Conclusion

Mr. Chairman, in summary, I would like to: 1) Reiterate NTEU's support for the Supervisor Training Act that we believe has potential for improving our public sector workforce by training supervisors, managers, and potentially frontline employees; 2) Oppose the Federal Career Intern Program and urge its termination; 3) Support a return to competitive hiring in the federal government; and, 4) Support the utilization of our government's existing intern programs to obtain the talents of students and college graduates in an effort to enhance our workforce in the 21st century.