

A New Model for Accountability in the Civil Service

Authored by Jeffrey Neal

Few subjects have produced more studies, books, theories, and ideas than employee performance management. The government, private sector, nonprofits, academia, and others struggle to find solutions that will motivate workers to perform and deal effectively with those who do not.

Rather than focusing solely on the typical perspective of accountability for rank-and-file federal workers, this paper addresses accountability at all levels of the federal government. When we step back and look at government as a whole, we find that a culture of unaccountability exists from top to bottom and in both the Executive and Legislative Branches.

Context

The [2023 Federal Employee Viewpoint Survey \(FEVS\)](#) tells us that only 45 percent of federal workers agree with the statement, “In my work unit, differences in performance are recognized in a meaningful way.” Only 66 percent agree that “Managers communicate the goals of the organization.” When we attempt to compare how federal agencies and the private sector deal with poor performers, we find little objective private sector data is available. The Department of Labor, for example, groups terminations for cause and layoffs into a single category. Federal workers perceive that poor performers are not being dealt with, which indicates a problem exists, but the extent of the problem is not known. We do know from FEVS data that only 19 percent of employees agreed “There are no poor performers in my work unit.”

In 2000, a working group of human resource executives (the equivalent of today’s CHCOs) produced a [Report to the President’s Management Council on Managing Performance in the Federal Government](#).¹ This report identified three themes that should drive effective performance management with an emphasis on dealing with problem employees: Expect excellence, establish accountability, and take timely action. The report made specific recommendations and shared information about innovations in particular agencies. However, the report was quickly pushed aside by a change in administration, did not result in widespread changes, and clearly did not change the perceptions of employees and others that more needs to be done.

The politically charged and diametrically opposed arguments—that the government is full of non-performers or that every federal worker is great—are extremes unsupported by objective data. The reality is that most federal workers do their jobs well, and those who do not are sometimes not dealt with effectively. Why not? The reasons vary, with a primary problem being ineffective

¹ Interagency Work Group on Performance Management, “Report to The President's Management Council on Managing Performance in the Government,” (February 2000), [Report to the President's Management Council on Managing Performance in Government \(unt.edu\)](#)

managers unable or unwilling to work through an overly complicate process for addressing performance issues. A 2009 Merit System Protection Board (MSPB) report, [*Addressing Poor Performers and the Law*](#), indicated “supervisors have difficulty creating standards for performance and documenting how well employees are meeting those standards.”

However, most of the criticisms of performance management in government fail to notice that this is not just a governmental problem. The Society for Human Resource Management [found](#) that this is a universal issue in private organizations, with performance systems that fail all too often. A 2022 Gallup survey revealed that 95 percent of private managers are unsatisfied with their organization’s performance review system. This, of course, is a problem even though most private companies have at-will employment.

Proposals for greater use of at-will employment as a solution for non-performers in government also run the risk of returning the entire government to the spoils system that existed prior to the Pendleton Act of 1883. Yet we know that the current processes protect a small number of non-performing employees. Agencies that have implemented ideas such as extended probationary periods have not appreciably changed the low numbers of employees terminated during probation.

What is Accountability?

Even more important are the conflicting definitions of what “accountability” really means. For many, it means holding employees accountable for doing their jobs, and getting rid of them if they do not. For others, it means holding managers accountable for getting results. For yet others, it means foot-dragging in following the policy directions of political appointees.

In this paper, we are defining accountability as being responsible for tasks, being answerable to someone for accomplishing those tasks, creating consequences for failure, and providing rewards for exceptional work.

With that definition, who then should be accountable to whom for the performance of federal workers? Rank and file employees? Managers? Executives? Political appointees? The President? Members of Congress? The courts? And, ultimately, the people through elections? The answer is *yes* to all of them. In the following sections we will address the challenges of how each should be accountable and offer some ideas for moving from theoretical solutions to implementation.

Multiple Levels of Accountability, With A Top-to-Bottom Culture of Unaccountability

Most discussions of accountability start with the bottom of the food chain – the employees – and end there. Employees are expected to do their jobs. Period. The truth is that employees should be held accountable, but their contribution to the process can only occur in following directions of the people above them in the Executive Branch, enabled and overseen by the Legislative Branch of government and held in check by the courts. Let’s start at the top and work our way down to the employees who are expected to actually carry out the missions of their agencies.

The Congress: Following its authority under Article I of the US Constitution, the missions of agencies are authorized and funded by the Congress, in organizations created and structured in law. Congress must ensure agencies have the authority and resources to carry out the tasks that are assigned to them. They also have the Constitutional authority to exercise oversight over the Executive branch. Where this breaks down is when the Congress delays carrying out its fundamental responsibility for the federal purse, fails to act on nominations of political appointees, or uses federal workers as political footballs. There are too many examples of this happening: failing to pass appropriations bills virtually every year for the past half-century, threatening (and, in some cases, imposing) government shutdowns, and leaving critical military and civilian jobs vacant to make political points.

These problems interfere with the Article I Constitutional responsibilities of the House and Senate to ensure the implementation of the laws they pass. Like every other federal official, members of Congress can be held accountable for getting results, but the only practical way to do that is to vote them out when they do not do their jobs. The reality is that it generally does not happen. Even though a recent [Pew Research study](#) showed that only 26 percent of Americans have a favorable view of Congress. Voters might like their individual representatives more than the Congress overall, but they rarely hold them accountable for getting the results they promise.

The President: As the Chief Executive, the President is the leader of the executive branch and is accountable for setting the policy direction of the government within the context of the laws passed by Congress. He appoints the leaders and many senior executives in agencies and is responsible for leading more than 2.1 million federal workers. Presidents, much like the Congress, tend to let political needs outweigh attention to effective government. Democratic and Republican Presidents tend to favor their own constituencies. Along with other partisan issues, the political motivations often overlook common sense solutions that might offend a President's political base. As with the Congress, the primary way of holding a President accountable is to vote him out of office. Impeachment is an option, but no President has ever been removed from office via impeachment and none is likely to be in our lifetimes.

Appointees: Political appointees include those who require Senate confirmation and others who are appointed directly by the President and agency heads. They are responsible for formulating and carrying out policy. In theory they are fully accountable and can be quickly removed with little effort. What they do not have are performance standards, performance ratings, and any real means of being held accountable for getting results. Absent a scandal, they typically serve until they decide to leave or the Administration changes.

Senior Executives: *Career* Senior Executives are the point at which political leadership interfaces with the workforce. They are responsible for formulating and carrying out policy, working with the White House and the Congress, the public, and various constituent groups. While they work in the agencies and deal with the career workforce on a daily basis, there is often a tremendous disconnect between employees and the leadership's perceptions of what is happening in an

agency. Sitting in private offices, surrounded by staff, and with access to large amounts of information, senior leaders are often isolated from the people they lead. More often than not, what we hear about subjects such as selection processes is they believe they are running a fair process, and every selection produces unhappy applicants. Whether the process is fair or not is not good enough. If most employees do not have confidence in the decisions their leaders make regarding performance, recognition and promotion, morale and engagement will suffer. Good performers who believe they cannot get fair treatment can go elsewhere, and agency performance suffers when talented workers leave. The 2023 Federal Employee Viewpoint Survey results show that only half of federal workers believe their senior leaders generate high levels of motivation and commitment, and only 62 percent believe their senior leaders maintain high standards of honesty and integrity. Accountability for career executives is much like that of political appointees – theory and execution are very different. Most receive high performance ratings and terminations of senior executives are exceedingly rare. In fiscal 2022, the most recent year for which full year data is available, OPM’s Fedscope data shows that only six of the more than 7,200 career SES members were terminated for conduct or performance.

Supervisors and Managers: This group is responsible for day-to-day leadership of the career workforce. They assign work, conduct performance appraisals, make hiring decisions, determine training requirements, and deal with employee misconduct and performance issues. They receive the same types of performance appraisals as other workers. Some agencies use multi-source feedback to evaluate how supervisors and managers are perceived by their direct reports, peers, and bosses, but most agencies simply apply their normal performance evaluation processes. Few supervisors are removed for poor performance or misconduct (just over one tenth of one percent in FY 2022), and supervisory probationary periods have not proven effective in weeding out bad supervisors.

Rank-and-File Employees: The group most people think of when they refer to federal workers, these are the people who actually carry out the mission of agencies. They are subject to probationary periods when hired, have annual performance appraisals, and can be terminated for poor performance or misconduct. When such actions occur, employees can file grievances, appeals and Equal Employment Opportunity complaints. Their appeals to the Merit Systems Protection Board are typically resolved in favor of the agency. Accountability for this group is typically one-way. Employees are given performance standards which they may or may not have substantively participated in developing, and then evaluated on their performance. Few agencies offer meaningful participation in developing objectives, and employees are often left on their own to identify the connection between their work and the objectives of their agencies. OPM’s Fedscope data show about one-half of one percent of employees were terminated for performance or misconduct in FY 2022.

Potential Solutions

Congress has failed to pass the 12 required appropriations bills by October 1 in 42 of the past 45 years. That has not stopped members of Congress from criticizing federal workers for failing to do their jobs. Key vacancies in many agencies remain unfilled almost three years into the Biden Administration. Recent Presidents have also failed to make nominations for many key vacancies, at the same time they blame the Senate for slow rolling the confirmation process.

Most voters have little information regarding congressional and presidential performance, other than what is available in political campaigns, from organizations that have a point of view that colors their perspectives, or from the media. We cannot solve the political challenge of holding Congress and the President accountable other than to note that the biblical admonition to “let he who is without sin cast the first stone” does not appear to apply to politics. The only real solution is an informed and engaged electorate that looks beyond a single, preferred source of news and information.

The next level down is political appointees. There is nothing to stop a President from holding appointees accountable for getting results. That means applying real performance standards to even the most senior appointees, and removing those who are unable to achieve results. Such a change would require a President to commit to honest evaluations of appointees and a willingness to terminate those who do not perform. Such a change is easier said than done. Appointees are often in their jobs as much for who they are or who they know as they are for their qualifications. One might expect the Congress to use its oversight authority to assist in monitoring performance of appointees, but what we have seen in recent years is oversight that has devolved into political theater.

So, what is the solution? We believe a move to hold political appointees more accountable must commence at the beginning of a presidential administration, and only if the President is willing to make accountability a cornerstone of his/her administration. All future Presidents should commit to such accountability from day one, establish clear performance expectations for appointees, and remove those who do not get results.

Career senior executives and managers are in positions where they can be held accountable. The challenge is that many are good at “managing up” and their leadership skills, or lack of them, are often not apparent to their political leaders. The best solution for this is application of multi-source (360 degree) feedback to every manager, supervisor, and senior executive. A well-run multisource feedback program will surface leadership issues and give senior leaders information they need to begin dealing with performance issues as they occur. This does, however, run counter to the recommendations of some practitioners who argue that multisource feedback is most useful as a self-development tool for leaders. We disagree. Agencies such as the Defense

Logistics Agency have used multisource feedback for both purposes and achieved good results in doing so.

That leaves us with the 1.9 million non-supervisory workers who carry out the government's work every day. As with their bosses, they should be held accountable for results. That accountability, if we truly want it to make a difference, must be a two-way street. Following are five recommendations that would make rank-and-file employee accountability more fair and more likely to produce substantive changes.

1. *Reduce rating levels to 2 or 3.* Ratings should be simplified into a choice of either pass/fail or three levels (satisfactory, unsatisfactory, and exceptional). An employee with an unsatisfactory rating should be given an opportunity to improve and should be removed if they fail to do so. Many will say that agencies need more levels. Five is the number most agencies have settled on. The reality is that they do not really have five levels. In most agencies, the most common rating is 4 – highly successful. Supervisors take the easy route and give employees who are doing well a “feel good” rating. Employees rarely receive level 1 or 2 ratings. For the most part, the ratings boil down to good, very good and great. That might make sense if those ratings then drove bonuses, awards, promotions and other incentives, but they typically do not. So, what we have is a system that costs a billion dollars or more to implement and changes virtually nothing.
2. *Couple awards and performance-based pay increases with achievement of measurable outcomes.* Incentives, in the form of bonuses or pay increases, should be driven by specific, measurable accomplishments that significantly exceed what is expected. Employees who accomplish far more than required should receive meaningful bonuses or incentive pay. The number who get such pay increases would most likely be no more than 10 – 15% of the workforce.
3. *Incorporate genuine employee development in the rating processes.* 5 U.S. Code § 4302 – Establishment of performance appraisal systems – governs employee performance management in the Federal government. It says ratings are to be used “as a basis for training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.” The reality is that few agencies effectively couple the rating process with employee development. The time currently wasted on multi-level rating processes can be used far more effectively to focus on developing employee skills. Every rating discussion should be an opportunity to discuss the employee's career objectives, their interests and what motivates them. Performance plans should include development plans as well, and completion of the development objectives by both management and the employee should be reviewed at the same time as performance. Agencies should work with employees to help them develop their skills for both their current jobs and their career goals. Those that do so are far more likely to retain their top talent.

4. *Include employees in the process.* The law requires agencies to “encourage employee participation in establishing performance standards.” Office of Personnel Management regulations encourage agencies “...to involve employees in developing and implementing their programs].” Credible performance management programs require such involvement, both of individual employees and the unions that represent many of them.
5. *Include Agency performance metrics in the process.* If an agency is suffering from performance problems, it can still have employees who contribute far more than is expected. However, an organization that is struggling with performance should have to go a step farther to justify incentive pay.

We believe a focus on performance and accountability does not require statutory changes. The existing law, if carried out effectively, provides all of the authority agencies need to turn their performance management processes into something that can truly hold all employees accountable, drive results, and help retain the highest performing workers. The Office of Personnel Management, Office of Management and Budget, the President’s Management Council, and the Chief Human Capital Officers Council should be directed to formulate policies, regulatory changes that might be required, and a plan of action for a governmentwide push to fully embrace and implement these recommendations and the requirements of 5 U.S. Code § 4302. The result would be a far more accountable federal workforce.