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[Introduction to] Managing Human Resources in the Public Sector: A Shared Responsibility

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UNDERSTANDING HUMAN RESOURCE MANAGEMENT AND THE DEPARTMENT MANAGER'S ROLE

INTRODUCTION

What do police chiefs, parks and recreation directors, social services administrators, and information systems directors have in common? Despite vast differences in the goals of their organizational units, they are all responsible for managing the same human resource functions at the departmental level—selection of employees, appraisal of performance, establishment of work standards, improvement of performance, resolution of grievances, promotion of diversity initiatives, compliance with equal employment opportunity and affirmative action, and implementation of health and safety standards. These functions are frequently viewed as the duty solely of the human resource department, but should be considered a shared responsibility between human resource and department managers. Since human resource management is considered a staff function, it must depend on department managers to effectively implement the content of many of the programs, policies, and guidelines under the purview of the human resource department.¹ Human resource administrators do not have line authority and therefore cannot compel department managers to comply with human resource policies. This does not mean, however, that managers can do what they want when it comes to human resource practices.

Many lawsuits have been filed and millions of dollars lost due to inadequate knowledge of human resource practices at the department manager level. Therefore, it is essential that department managers in the public sector understand their role and their responsibilities in this vital area. In certain circumstances such as sexual harassment lawsuits, the failure of a department manager to keep informed (as well as a failure to inform subordinates of their obligation not to engage in harassment) can have unfavorable consequences for the organization and the individual manager. Not only is ignorance of the applicable policies no defense, but managers who use it as a defense may find themselves personally liable. Since lack of knowledge only demonstrates malfeasance of office, dereliction of duty, and willful disregard of directives, the organization will likely conclude that it is not obligated to defend the accused manager.

UNDERSTANDING THE HUMAN RESOURCE DEPARTMENT

According to department managers, the human resource department often frustrates their efforts with excuses about rules and regulations. Replacing an employee who has resigned ought to be done quickly, but all too often takes months to accomplish. Managers' frustrations are understandable, but that is only part of the story. Human resource departments in the public sector are obliged, first of all, to conform to the laws, and they must carefully weave their way through the federal, state, and local regulations that may apply. Fulfilling legal requirements is always a challenge, and it frequently takes more time than managers would like. But the failure to comply can have serious consequences. When replacing an employee, for example, a failure to comply with applicable laws may lead to the filing of grievances or a lawsuit. The result will be considerable expenditures of time and resources and the involvement of government agencies with oversight, investigative, and enforcement powers. In short, more time and money will be spent than would otherwise be the case. The fact that human resource requirements in the public sector are not simple should come as no great surprise. A brief look at the historical background will provide insight into the origin and purpose of these requirements.

BRIEF HISTORICAL OVERVIEW

Human resource management (previously known as public personnel administration) can be traced back to key social and political events. When our first president, George Washington, took office, his selection of staff on the basis of good character, education, and loyalty to the newly formed United States of America was clearly a reaction to the nepotism and cronyism of English colonialism. Because Washington's human resource practices were a significant statement about the way in which government should be run, it is not surprising that many of them are still with us today in the form of reference and background checks and education requirements for employment. Washington thought it necessary to staff his administration with representatives from each of the newly formed United States and, more important, to have the explicit approval of the applicable state senators because of the shortcomings and eventual failure of the loosely configured confederation of states. Although unique in its time, this human resource practice has become so commonplace today for high-level appointments that we almost take senatorial confirmation for granted.

Most of the practices found in today's human resource departments can be traced back to the 1800s. To a large degree, these human resource practices were reactions to the social and political events of the time. Newly

enfranchised voters from the former Western territories swept President Andrew Jackson into office. Jackson ran for the presidency promising that he would put entrenched, elitist bureaucrats out of office and replace them with ordinary people who would be responsive to his new policies and political agenda. Although he was not the first, Jackson popularized a system of rotation in office that rewarded political supporters and democratized the public service by making government jobs available to the average American. He felt that a system of political patronage, appointment to government positions based primarily on political party loyalty, would make government workers more responsive to the administration. In order to provide broader access to these positions, jobs could be rotated to provide government positions to more people as a reward for their political allegiance. Ironically, Jackson did not create substantial turnover during his tenure. An unintended consequence of his human resource practices was to open the door for massive dismissals that disrupted the work of government and led to charges of political corruption and ineptness in subsequent administrations. This process of rotation in office ultimately became known as the “spoils system” as each new political incumbent distributed the spoils of victory to the party faithful. Since new employees were picked primarily on the basis of their political loyalty rather than their ability to do the job, the patronage system was open to accusations of corruption. There were those who worried that favoritism and self-interest might replace the public interest, and there were those who advocated a neutral professionalism as the proper ethic of government employees.

Surprisingly, the most corrupt federal administration may have been the one under the leadership of a man we have all come to revere, President Abraham Lincoln. There is considerable evidence to show that contracts for war matériel and supplies during the Civil War were given to political cronies who profited while leaving Union soldiers with shoes that fell apart, clothing that exposed them to the elements, food that was made from rotten meat, and munitions that did more harm to the user than the intended target.

When General Ulysses S. Grant became president, he tried to improve human resource practices by creating a Civil Service Commission to ensure that only the best qualified were hired for government work. He was motivated both by what he had experienced during the Civil War and by his own personal experience at having lost a county engineer job in Missouri solely because he did not have the necessary political sponsorship. Grant’s 1871 Civil Service Commission approved new human resource practices such as competitive civil service examinations and the “rule of three.” The idea that the appointing authority must pick from only those candidates receiving the top three scores is a human resource practice that is still with us.² Unfortunately, Grant’s Civil Service Commission was short-lived due to lack of congressional funding.

After the assassination of President James Garfield by Charles Guiteau, a disgruntled party member who did not get a patronage appointment, civil service reformers and prominent newspaper editors who were fed up with

government corruption successfully pushed for the passage of the Pendleton Act of 1883. This law ended the spoils system and initiated a civil service system which established a merit-based approach to the appointment and advancement of regular government workers.³ No longer would political loyalty be valued more highly than the ability to do the job. Only those who could demonstrate merit—the qualifications to do the work—would be considered for regular government jobs. The original components of the law are still with us today and focus on three basic tenets: selection based on merit and competitive testing; protection from dismissal for political reasons; and protection for government workers against required participation in political activities. After the enactment of the Pendleton Act by the federal government, many state and local governments also adopted merit-based civil service systems. Not until the passage of the Social Security Act in the late 1930s, however, did Congress require all states to have a civil service system based on merit.⁴

Because many of our ideas about the civil service system were formed as a reaction to the spoils system, a major focus of modern-day human resource practices became the prevention of unwanted political activities. Thus, many of the ensuing rules and regulations found in human resource departments were not designed to enable managerial actions but were enacted to prevent the abuses that the spoils system created.

Current human resource practices make a positive contribution to the workplace even though they were formed out of a reaction to political excesses of the past. The constructive component of this system focuses on providing open access and competition. Historically, the “open competition” component of the merit system included the following:

1. *Adequate publicity.* Job openings and requirements must be made public so that interested citizens have a reasonable opportunity to know about them.
2. *Opportunity to apply.* Citizens who are interested must have a chance to make their interest known and to receive consideration.
3. *Realistic standards.* Qualification standards must be reasonably related to the job to be filled and must be applied impartially to all who make their interest known.
4. *Absence of discrimination.* The standards used must contain factors that are related only to ability and fitness for employment.
5. *Ranking on the basis of ability.* The very essence of competition implies a ranking of candidates on the basis of a relative evaluation of their ability and fitness, and a selection process which gives effect to this ranking.
6. *Knowledge of results.* The public must be able to find out how the process works, and anyone who believes that the process has not been applied properly in his or her own case must have a chance for administrative review.⁵

Today, these merit components are an inherent part of human resource practices in the public sector. It takes time to ensure that the best applicants are sought and the most-qualified candidate is selected. Even with a minimal announcement time of two weeks, the process still requires two weeks or more to review the applications, set up a competitive examination process, score the results, and certify the eligible candidates, and at least two weeks between the time the candidate is offered the job and appears for work. Two to three months may have passed before a vacant position is filled. Though most managers would agree that these are professionally sound policies for recruitment and selection, managers are often frustrated by the time lag required by the human resource department. Sooner rather than later the anxious manager needs someone to do the work that does not stop while a candidate is being selected.

EXTERNAL REGULATIONS

There are numerous external laws, regulations, and guidelines that must be incorporated into internal procedures used by the human resource department. These outside regulations affect every function in the human resource department. They ensure that fairness and true merit are the bases for human resource actions. These external factors include collective bargaining laws, equal employment and affirmative action regulations, occupational health and safety regulations, and discipline and due process requirements. Various aspects of these external factors will be discussed in subsequent chapters.

Due to these factors, a simple request submitted to the human resource department by a public sector manager usually requires attention to numerous details of which the department manager may not be aware. Managers often ask why the human resource department cannot be more flexible by modifying, bending, or even suspending some of the regulations to help facilitate their urgent needs. Even the most service-oriented human resource professionals know all too well the organizational consequences of noncompliance. The bottom line equals lawsuits, extensive monetary damages, and hours of staff time spent in responding to compliance agencies and appearing before arbitrators or judges.

CHANGING TIMES

In the past a bipartisan civil service commission governed the typical human resource department. Because the civil service system grew out of concerns that each political party would hire and promote only its own, members of the civil service commission were appointed from each political party. Therefore, opposing viewpoints were represented, and no particular party had an advantage. The temptation by the political party in office to approve human

resource policies favorable to itself was moderated by the realization that those same policies might benefit another political party when it came to power. Though a number of state and local governments still use civil service commissions, civil service reform continues to change the structure, functions, and reporting relationship of public human resource systems.

Contemporary civil service reform is not as reactionary as past civil service reform; nonetheless, it continues to refine the principles of a merit system. For example, the federal government has continued to improve the civil service system since the passage of the Civil Service Reform Act of 1978, and recent programs such as “reinventing government” have also had notable effects. A number of state and local governments have abolished their civil service systems and moved to human resource systems that report to the organization’s chief administrator. This latter approach allows the human resource department to serve as direct support to top administrators and the human resource director to participate as an integral member of the management team. Even in some organizations with civil service commissions, the structure has been modified to allow an internal management team approach. These kinds of human resource offices function as inside participants rather than outside regulators and are intended to be more responsive to the overall needs of administrators and managers in the organization.

One reason why this type of change can exist without necessarily resurrecting the spoils system is that merit principles and practices, with their emphasis on testing, competition, and ability, have been incorporated over the years into the procedures and processes of the organization. Another reason is that past inclusion of Equal Employment Opportunity (EEO) and Affirmative Action (AA) laws and regulations reinforce many of the open-competition principles and practices normally protected by civil service systems, such as adequate publicity, opportunity to apply, and realistic qualification standards. Stronger merit practices still remain in the area of open competition even though AA laws are being overturned in some states and decreased by Supreme Court decisions. In addition, career managers and professionals with expertise in public administration rather than political appointees are increasingly running government organizations. The complexity of today’s public policy issues and the managerial means needed to implement these policies effectively and efficiently require technical knowledge and specialization unfamiliar to the typical party loyalist. Finally, case law increasingly supports human resource policy and practices that are consistent with merit principles.

These contemporary civil service reforms have helped provide opportunities for public human resource departments to become more management oriented, but they have not eliminated the complexities, the time lines, and the regulations required of these offices. Even in large private sector companies, human resource departments resemble their public sector counterparts to a great extent due to such factors as collective bargaining agreements, wrongful discharge case law, and occupational health and safety regulations.

FACILITATING A SERVICE ORIENTATION

Despite the complex factors described above, human resource departments are expected to be service oriented and can serve that function in several ways:

- providing informational sessions for users/clients (i.e., executive managers, department heads, and employees) concerning how various functions and processes actually work within the human resource department, helping to demystify the operation;
- searching for flexible alternatives within the human resource system to assist department managers with their human resource needs;
- seeking input systematically from internal users/clients of the human resource department concerning needed improvements; and
- proposing changes in policies, procedures, or practices that will provide better responsiveness to department, employee, and organizational needs.

An obvious yet important factor in this process is the responsibility of the human resource department to maintain integrity in the implementation of its functions and services. In attempting to provide a service orientation to the organization, human resource managers must walk a fine line between being flexible and maintaining fair standards, so that their practices do not become suspect or compromised within the organization.

THE DEPARTMENT MANAGER'S ROLE

The department manager also has a major role in assisting the human resource department in the implementation of its services and functions. The manager should

- attend workshops and training sessions concerning human resource functions and policies and request that supervisors attend;
- review and follow the human resource policies and procedures governing such functions as recruitment, selection, affirmative action, performance appraisal, employee discipline, and classification (these policies are typically found in human resource handbooks and collective bargaining contracts);
- make these policies and procedures available to supervisors in his/her unit;
- request specialized or tailored sessions on human resource issues for the department when necessary;
- contact the human resource department when there is confusion or uncertainty about policies and procedures; and

- discuss problems and need for change with the human resource department to facilitate better service and understanding between line departments and human resources.

WORKSHOP I

Understanding Human Resource Management and the Department Manager's Role

PRE-SERVICE STUDENTS

Who's in Charge Here?

The purpose of this discussion is to explore how department managers and personnel specialists can work together better.

Instructions:

- Divide the class in half: one group will represent department managers and the other group will represent human resource administrators.
- Have each group read the scenario, then prepare and present an argument for their side. (The instructor may provide additional information about local personnel practices.)
- How can each side get the other to understand its perspective? Discuss the ways in which both sides can work together to attain a reasonable solution.

Scenario:

The Situation: In early January, the department secretary retired. Needing someone to do the job and knowing that it would take a while for the position to be filed, the department manager, Ms. Jacobs, felt she had little choice but to hire an interim secretary. Interim staff can be temporarily hired into a vacant position for up to ninety days, but have no guarantee that they will be hired permanently. They must compete for the position in order to be hired permanently. Ms. Jacobs is happy with the work of the interim temporary secretary and hopes that she will have an opportunity to hire her from the eligibility list. In mid-February, she calls the Human Resource Department (HRD) to find out when she can expect a copy of the eligibility list. HRD tells her that the list will not be certified before April because the original list had expired in early February. The position then had to be advertised, applications taken, interviews conducted, and offers made.

Manager's Concerns: The interim temp had told Ms. Jacobs that her name was on the eligibility list for secretaries (now expired) and that if she was

not hired she was going to look elsewhere. As a result of the delay, Ms. Jacobs will lose a good interim employee before the hiring process can be completed and, as a result, have to spend a lot of time training a new employee. Meanwhile, work will go undone or be shifted to other staff employees who are already overworked. If Ms. Jacobs assigns the work to other employees, her overworked staff may follow through on their threat to quit or stage a "sick-out."

HRD's Concerns: Eligibility lists are regularly certified for limited periods of time (e.g., six months to one year). The eligibility list for the position of secretary was over a year old when it was retired. Most of the candidates remaining on the list were already passed over by other departments and were probably not the best candidates available. The merit system requires recruiting and selecting the best candidate. It takes time to publicize the position, collect and screen applications, interview candidates, and put together an eligibility list in accordance with merit policies and practices.

Patronage or Merit?

The objective of this exercise is to gain insight into the debate over patronage and merit.

Instructions:

- Divide the class into teams.
- Each team will be assigned the same task but conduct their research using different resources, such as
 - the Internet
 - periodicals/journals on personnel, public administration, political science, management
 - books in the library
 - interviews with personnel managers
 - interviews with politicians
 - interviews with members of a civil service commission

The Task:

Where is *patronage* most prevalent today? Who benefits from patronage? What are the advantages and disadvantages of patronage? Is a *merit system* appropriate for contemporary public sector organizations? Provide information to support your response. What are the recent trends in merit system reform and why are these trends significant?

IN-SERVICE STUDENTS

Instructions:

Form groups of approximately five members with at least one supervisor or manager from the class included in each group. If there are no supervisors or

managers in the class, have each group arrange to bring one or more public sector managers to class for the workshop or interview prior to the session concerning the workshop project described below.

Workshop Project

Ask line or department managers to describe their perceptions of the service provided by the human resource department to their organization. Ask them to provide specific reasons for their perceptions (positive or negative). If there are negative perceptions, ask the managers and class members to suggest ways to improve services, processes, or procedures to help facilitate departmental human resource needs while remaining within the purview of external laws and requirements. If there are positive perceptions, ask managers to describe these programs, services, and/or relationships. Determine how department managers normally pursue having their recommendations addressed in their organization. How should the human resource department, department managers, and other executive managers be involved in the resolution of issues involving the functioning and service of the human resource department with other departments in the agency?

If the perceptions are positive, determine what the human resource department is doing well from the perspective of the department managers. Determine how the human resource department, department managers, and other executive managers work together in these organizations to resolve or address the functioning and service of the human resource department.

Determine whether the managers involved in the workshop perceive the human resource department as a member of the management team of their organization. Why or why not? Do they perceive this as positive or negative? Why or why not?

To enhance the workshop discussion, students or the instructor can invite or interview human resource managers to provide the human resource department's perspective on the issues outlined above.

NOTES

1. Human resource manager or administrator and personnel manager or director are used interchangeably throughout the book. Department manager and line manager are also used interchangeably, as well as human resource manager, human resource specialist, human resource professional, and personnel specialist.
2. In some jurisdictions, there may be a rule of five or seven—that is, those with the top five or seven scores must be interviewed.
3. The civil service system does not cover political appointees, such as undersecretaries, who serve at the pleasure of the executive.

4. U.S. Office of Personnel Management, "1938 Advisory Council Report—The Social Security Board's Comments and Recommendations" in Office of Personnel Management [database online] (Washington, D.C.: Office of Personnel Management [cited 20 June 2000]), available from <http://www.opm.gov>.
5. O. Glenn Stahl, *Public Personnel Administration* (New York: Harper and Row, 1983), 36.