

Civil Service Reform Act of 1978

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The **Civil Service Reform Act of 1978**, (October 13, 1978, Pub.L. 95-454, 92 Stat. 1111) (CSRA), reformed the civil service of the United States federal government, partly in response to the Watergate scandal. The Act abolished the U.S. Civil Service Commission and distributed its functions primarily among these new agencies: the Office of Personnel Management (OPM), the Merit Systems Protection Board (MSPB), and the Federal Labor Relations Authority (FLRA).

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History

The original legislation allowing federal employees to organize together and protect rights was the Lloyd-LaFollette Act in 1912. However this act only allowed for employees unionize together and petition the government, but gave them no real bargaining power. The Act was amended by both President Kennedy (Executive Order 10988) and President Nixon (Executive Order 11491), but neither executive orders truly fixed the problems with the original

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Long title An Act to reform the civil service laws.
Enacted by the 95th United States Congress
Effective October 13, 1978

Citations

Public law 95-454
(<http://www.gpo.gov/fdsys/pkg/STATUTE-92/pdf/STATUTE-92-Pg1111.pdf>)
Statutes at Large 92 Stat. 1111 (<http://legislink.org/us/stat-92-1111>)

Codification

Titles amended 5 U.S.C.: Government Organization and Employees
U.S.C. sections created 5 U.S.C. ch. 11
(<http://www.law.cornell.edu/uscode/text/5/part-II/chapter-11>)

Legislative history

- Introduced in the Senate as S. 2640 (<https://www.congress.gov/bill/95th-congress/senate-bill/2640>) by Abraham A. Ribicoff (D-CT) on March 3, 1978
- Committee consideration by Senate Governmental Affairs
- Passed the Senate on August 24, 1978 (87-1) (<http://www.govtrack.us/congress/votes/95-1978/s1001>)
- Reported by the joint conference committee on October 4, 1978; agreed to by the Senate on October 4, 1978 (agreed) and by the House on October 6, 1978 (365-8) (<http://www.govtrack.us/congress/votes/95-1978/h1489>)
- Signed into law by President Jimmy Carter on October 13, 1978

act. By the time President Carter took office in 1977, the Lloyd-LaFollete Act was perceived as entirely obsolete and forced the necessity of legislative reform.^[1] With the American public wary of the organization of government following Watergate and the OPEC embargo, President Carter's time in office coincided with a period in which bureaucratic organization was open to "reexamination". Carter ran his campaign promising to "strengthen presidential control over federal services" and once in office created the CSRA. Carter intended for the act to create more bureaucratic officials involved with policy making (rather than administration) the were more closely politically controlled by the presidency.^[2] The CSRA arose from a growing wariness of the United States Government by the general American population. Preceding the Act in 1978 was nearly a decade of major blunders committed by the White House. In short, the federal government had "widely over-promised and woefully underperformed". Incidents like the Watergate scandal coupled with the consensus public opinion of the Vietnam War being a complete failure led the push for reform.^[3] The CSRA sought to fix common problems across the public sector such as eliminating manipulation of the merit system without inhibiting the entire structure, how to both invest authority in managers while simultaneously protecting employee from said authority, limit unnecessary or excessive spending, and make the federal work force mirror the American people more closely.^[4]

Drafting Process

The CSRA was the first federally passed comprehensive civil service reform since the Pendleton Act of 1883. Leading up to the passing of the CSRA, the federal government grew in both size and complexity, causing the public to question the government's cost and blame policy failures on the bureaucrats.^[5]

In March, President Jimmy Carter sent a proposal to Congress to bring about civil service reform in order to "bring efficiency and accountability to the Federal Government." Congress spent 7 months forming and enacting the legislation and in August 1978, Congress approved the plan that restructured federal personnel management.^[6]

In-Depth Description

The Civil Service Reform Act of 1978 created rules and procedures for federal civilian employees. There were two parts to the reform; The Reorganization Plan and the Civil Service Reform Act. The Reorganization Plan divided the Civil Service Commission (CSC) into the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB). Additionally, the Federal Labor Regulations Authority (FLRA) was created.

Responsibilities are as follows:

Executive branch entities

- ① OPM provides management guidance to agencies of the executive branch and issues regulations that control federal human resources.
- ② The MSPB conducts studies of the federal civil service and hears appeals of federal employees who have been disciplined or otherwise separated from their positions. Personnel actions which discriminate among employees based on marital status, political activity, or political affiliation are prohibited by the CSRA. Federal employees may file complaints regarding possible violations of this rule with the Office of Special Counsel, which was created as a subunit of the MSPB.

- ③ FLRA oversees the rights of federal employees to form collective bargaining units (unions) to bargain with agencies. The CSRA imposes standards on the officers of those unions which are enforced by the Office of Labor-Management Standards in the U.S. Department of Labor.

④ - *Office of Special Counsel (OSC)*
 In addition to the creation of new agencies, a new grade classification for the government's top managers was created - the Senior Executive Service (SES). These managers were strategically positioned throughout the government and were rewarded via bonuses based on merit. Middle managers were now paid and rewarded based on evaluations and merit only. The act also created processes firing employees found to be incompetent and provided protection for "whistleblowers"^[7]

Significance

The Civil Service Reform Act was the first time that an American president has included civil service reform among his major legislative priorities. The act is intended to better execute the laws governing federal personnel management of the people and who operate within those laws. It restores the merit principle, provide greater management flexibility, better rewards for better performance, provide needed protection for employees, and provide equal employment.^[8] There is a pay increase for employees, senior level manager, which is based on their performance and contribution and not just on their length of service.^[8] The Office of Personnel Management evaluates the effectiveness of programs and ensures compliance with policies. OPM provides assistances to improve overall management and utilization of human resources^[8]

The Merit Systems Protection Board is a redesign of the Civil Service Commission that was an appeal system that many employees felt that it was biased. The board is to make a judgment on appeals and complaints, investigate alleged abuses and violations, and protect that employees that come forward with these allegations. The MSPB creates an Office of Special Counsel. The office has investigative jurisdiction over all prohibited personnel practices and the authority to independently initiate investigations. If any charges result in these investigations they are then brought up to the MSPB.^[8]

The act made it possible for a federal employee to bring up legitimate political abuse or of gross waste and inefficiency to the public, blowing the whistle, without repercussions like harassment or threat of job security that results in economic hardship.^[8] The act also called for affirmative action by making employment more equitable. The statistics of women and minorities working in executive positions was fairly low. Partly the reason why is the impact of veteran preference. The lack of appropriate management judgment led to the disproportionate representation of veterans in the federal workforce. Most of the American veterans are white males and was favorable to the personnel recruitment program. The Civil Service Commission had enacted a policy to fill senior positions with an aggressive outreach recruitment to attract capable women and minorities.^[8]

Comprehensive Effects

The CSRA was one of the largest reforms in Federal personnel regulations since the Pendleton Civil Service Reform Act of 1883 and is one of the Carter Administration's major domestic achievements. However, the long lasting effects and the legacy of the CSRA are wildly disputed. Some claim that the CSRA has accomplished virtually nothing. Others claim that the CSRA has accomplished quite a bit. On

one side of the argument, it is claimed that the CSRA has not effected unequal hiring methods, has not formed a division of experienced administrators that it was supposed to, and has been ignored by certain agencies.^[9] Others claim that the CSRA was a pervasive attempt to reform and restrain a large government bureaucracy in the United States.^[10] On the other side of the argument, it is claimed that many provisions in the CSRA have spread globally and that the CSRA has had a serious impact on public administration systems all over the world.^[11] It is also claimed that the CSRA has incorporated "long-lasting strategies based on improved responsiveness and competitiveness of federal employees" and that the CSRA has moderately improved employee attitudes in the workplace.^[12]

Additional Reading

"Fired Federal Employees Have Limited Route for Challenging Dismissals" (http://www.washingtonpost.com/politics/fired-federal-employees-have-limited-route-for-challenging-dismissals/2012/06/11/gJQAJYVaVV_story.html) by: Robert Barnes

The Future of Merit: Twenty Years After the Civil Service Reform Act By: J.P. Pfiffner & D.A. Brooks

"Political Scientists See Little Impact of 1978 Civil Service Law" by: Adam Clymer

"The 1978 Civil Service Reform Act: Post-Mortem or Rebirth?" by: Gregory D. Foster

"The Promise and Paradox of Civil Service Reform" by: P. W. Ingraham and D. H. Rosenbloom

"Bureaucratic Response to Civil Service Reform" by: Naomi Lynn and Richard E. Vaden

See also

- Pendleton Civil Service Reform Act

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9. Times, Adam Clymer, Special To The New York (1982-05-03). "POLITICAL SCIENTISTS SEE LITTLE IMPACT OF 1978 CIVIL SERVICE LAW". *The New York Times*. ISSN 0362-4331. Retrieved 2015-04-28.