MANAGING FEDERAL MISSIONS WITH A MULTISECTOR WORKFORCE: LEADERSHIP FOR THE 21ST CENTURY

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INTRODUCTION

The public sector has seen a significant increase in the scope and complexity of government reform in the last decade. This reform agenda has focused on using the strategic management of human capital as an enabler to build organizations that are mission-driven and results oriented. The current Administration has placed a special emphasis on performance management and accountability. Agency leaders and managers recognize that effective management of their people, and the processes and systems that sustain the workforce are essential for effective service delivery to the public. As leaders and managers strive to improve what they do and how they work, they are exploring alternative workforce solutions in order to deliver improved government services. Federal managers are no longer relying solely on federal employees to be the first face to the customer for service delivery. Shifting demographics present an opportunity to leverage the multisector workforce in new ways. As such, targeted research is needed to identify challenges, opportunities and competencies needed to lead the multisector workforce and accomplish the federal mission.

WHAT IS THE MULTISECTOR WORKFORCE?

The "multisector workforce" is a term we have chosen to describe the federal reality of a mixture of several distinct types of personnel working to carry out the agency's programs. It is not meant to suggest that such a workforce is unitary. To the contrary, it recognizes that federal, state and local civil servants (whether full- or part-time, temporary or permanent); uniformed personnel; and contractor personnel often work on different elements of program implementation, sometimes in the same workplace, but under substantially different governing laws; different systems for compensation, appointment, discipline, and termination; and different ethical standards.

BACKGROUND

The federal government has purchased goods and services from the private sector since the founding of our republic. This is particularly the case with equipment and supplies during times of war. The government has long contracted for the construction of major public works projects such as dams and highways. During the 1960s and 1970s as new social programs were enacted, the government began to rely more significantly on third parties for program implementation and delivery. State and local governments, as well as private non-profits and profit making service

companies, began to play a significant role during this period. Today, contract employees can be found working side by side with civil servants.

The trend toward using workers who are not part of the federal civil service to carry out federal missions has escalated greatly in recent years. Many motives and reasons have been associated with the change; e.g., to utilize existing service delivery mechanisms, to acquire hard to find skills, to save money, to have the private sector do work that is not inherently government, to augment capacity on an emergency basis, and to reduce the size of government, to name those most often cited.

Accurate figures on the size of the components of the multisector workforce do not exist. Indeed, there is no common agreement on a definition of the multisector workforce. Paul Light has done some of the most comprehensive analysis of the data that is available. His most recent assessment is that in 2002, there were 5,168,000 million contractor jobs and 2,860,000 grantee jobs supported by the federal government. Federal government employees that year included 1,756,000 civil servants and 1,456,000 uniformed military personnel, plus 875,000 postal service workers.

Although the multisector workforce can be very broadly considered as including positions created through grants and even mandates and regulations, the immediate focus of this project is an analysis of management challenges relevant to executives and managers working with contractors and subcontractors to the federal government. Thus the management issues raised in this paper and in the Phase II proposal specifically address the federal and contractor segments of the multisector workforce. Subsequent activities may examine other areas such multisector challenges among the intergovernmental sectors, as well as other tools of indirect government such as grants.

THE CHALLENGE

"A revolution has taken place in the 'technology' of public action over the last fifty years, both in the United States and, increasingly, in other parts of the world," states Lester M. Salamon, an Academy fellow and public administration scholar. He describes this revolution as a shifting away from government activities focused almost exclusively on the first-hand delivery of goods or services. In Salamon's judgment, government has moved, as a result of a public groundswell of dissatisfaction with the costs and efficacies of government programs over the past half-century, toward a vision in which the public sector is a "highly indirect" provider that finances the work of a variety of "third party" private sector sources. Other reasons for the movement of government from a direct to an indirect provider include the need for skills and expertise not traditionally found in government, the desire to reduce the number of "government workers" relative to those working in the market economy, the growing need for operating flexibility, and requirements to respond to new requirements or a temporary surge in the need for a particular capability.

Yet Salamon's new governance has not evolved without its fair share of problems. Many critics of the private sector's symbiotic relationship with public governance bodies note that the same accountability issues that plagued the classical model of the direct provider government continue to infest Salamon's *new governance* model. Among them is Dan Guttman, also an Academy fellow and public administration scholar. Guttman writes, "Increased reliance on contractors to perform basic governmental functions calls into question a basic presumption of accountability – i.e., that officials must and can be accountable to taxpayers for the basic work of government."[1]

Therein lies the rub, for while new tools are available to government leaders who aim to provide important and needed services to their constituencies, the fact remains that the new model still contains inherently political features, which arguably makes it prone to the same inefficiencies and cost inflations that plagued the classical model. Guttman notes, "The challenge today is to learn from past successes, to understand our legacy of unanswered questions, and to use past experience and present reality to undergird action."

The foregoing developments have created a multisector workforce in many federal programs. This combination of quite dissimilar types of personnel generates management and accountability issues for federal administrators who are increasingly being challenged to demonstrate results.

In the spring of 2004, the Academy Big Idea Public Service Positioning Committee determined to address this issue and the public service management issues it presents. Following presentations to the Academy Board in June 2004, the Positioning Committee formed a small Working Group (WG) to undertake Phase I of this project. It is not the purpose of the project to approve or disapprove the increased performance of federal functions by "third parties." Rather, it is to recognize the reality of the extensive reliance on such third parties with a view toward identifying and clarifying the roles of those parties, as well as identifying and developing tools so that the federal government can determine the appropriate parameters on these roles and increase its capacity to manage the multisector workforce effectively, efficiently and with equity.

The WG's initial deliberations and research show that increased use of a multisector workforce raises several overarching policy questions. Data have been collected to identify specific management issue categories and inform policy development in these areas:

- What is the impact on our constitutional system, administrative law and ethical norms when a multisector workforce carries out government missions?

- What are the implications of increased use of multisector workforces on the federal workforce?

- What tools exist or need to be developed to improve management of the multisector workforce and accountability to the public?

- What capabilities and competencies are needed to improve management of the multisector workforce?

- How do we begin to document the effectiveness and the cost benefits of various competitive sourcing efforts?

- To what degree should the government extend application of human capital standards (strategic alignment, workforce deployment, leadership and knowledge management, performance culture, talent, and accountability) to the various components of the multisector workforce?

The cumulative effect of these questions drives good governance advocates to seek new tools and solutions that improve the performance, results and accountability of the public management system at all levels of government.

Scope and Methodology

In Phase I of the project, the WG has collected, analyzed and reviewed current literature about the management challenges relevant to achieving organizational missions using a multisector workforce. The WG also generated public management questions that need to be addressed. The WG has reported regularly to the Public Service Panel and worked with it to refine terms and to set the scope and direction for the data collection.

The search methodology included identifying materials in the Academy's publication library, reviewing books, accessing university databases through George Washington University, soliciting papers through an association's academic partners, and conducting Internet searches using the Social Science Research Network and a review of contemporary articles primarily through the *Government Executive* magazine, trade journals and public policy publications.

The depth and breadth of the literature search focused on management issues directly applicable to the multisector workforce. The initial review indicates many of these studies identified specific management issues, which we hoped to address as they are "ripe for additional research." *The Tools of Government*, edited by Lester M. Salamon,[2] provided a definitive discussion on public administration tools and management challenges inherent in delivering government services through third parties and offered preliminary solutions for improving this area. In general, we found limited empirical information on the effectiveness and efficiency of competitive sourcing efforts.

The WG initially identified twenty categories for data collection: accountability, acquisition, contract workforces, definitions, framework documents, governance, grantees, human capital issues, industry models, legal issues, management issues, organizational culture, organizational structure, resources, rules and regulations, social equity, systems, theoretical underpinnings, tools, and values. Once the data collection was underway, these categories were combined and reduced to six mission-critical issues: accountability, acquisition, human capital and management, social equity and values, legal and governance issues, and organizational culture.

Analysis

The research agenda will examine the literature currently collected, build on the experiences of those agencies currently using multisector workforces, and focus on key issues as identified by agency leaders. Each of the six mission-critical issues (i.e., accountability, acquisition, human capital and management, social equity and values, legal and governance issues, and organizational culture) is defined below. The accompanying questions for each category identify possible areas for future exploration based on the literature collected thus far. This analysis by category represents a point of departure for further study.

Accountability

A traditional definition of accountability focuses on identifying and using tools to exercise control and prevent abuse of power. According to Lester Salamon[3] this definition can be

broadened to focus on two areas – "accountability for what and to whom." Through practical application, this definition can be expanded to include "and how" as it applies to oversight.

According to the President's Management Agenda, which articulates goals for transforming government, agencies are charged with managing people, efficiently and effectively and in accordance with the merit system principles, veterans' preference, and related public policies to support the agency shared vision. Federal managers have the primary role in ensuring accountability of government services. However, recent transformation efforts are focusing on sharing and cascading accountability for delivering results through all levels of an agency. The core issue of accountability is characterized in the following manner: The federal manager is responsible for spending public funds, exercising public authority, protecting the public's trust and delivering results to citizens as part of the mission of each individual agency. Increasingly, the federal manager is using multisector workforces to accomplish this mission and achieve results. Using multisector workforces requires a dispersion of administrative authority and reduces the level of control that the federal manager has over the process, yet this does not reduce oversight responsibilities or the requirement for delivering results. Moreover, the federal manager is ultimately accountable for program successes and disasters, arguably more so now with Performance and Accountability Rating Tool (PART) and performance based rewards and advancement. This paradox raises several questions that warrant closer examination.

- Who should be held accountable for the accomplishment of federal missions performed by workers from other sectors?
- How can they be held accountable?
- How do we assign roles and responsibilities to the federal manager to ensure accountability for the performance of the multisector workforce, not just that of federal employees?
- Traditional tools for accountability include the budget, contracts, and grants. Are there other tools, resources/influencers, case studies, information sharing and/or best practices to improve government performance and our leadership in this area?
- Are there different accountability issues when the work is being done by other levels of government?
- How do we align the policies affecting the multisector workforce through the roles of human resources specialists, acquisition specialists and managers?
- Where contractors have been engaged with inadequate analysis of the task or specification of performance requirements, rewards and sanctions, what consequences and follow-up occurred?
- What systems can be developed to address contract administration accountability issues such as identifying contractors who have been temporarily suspended and documenting issues of waste, fraud, and abuse?
- How do we evaluate outsourcing activities to validate cost savings over time?
- How do we improve post award accountability?

- Are peer reviews or other models applicable to government accountability?

Acquisition

The Federal Acquisition Regulation (FAR) defines acquisition as "acquiring of supplies or services by the federal government with appropriated funds through purchase or lease." Contracting is the tool the government uses to determine and implement the components of the business arrangement. Recently, the Task Force on Services Contracting, "Removing Federal Services Acquisition Barriers and Balancing Public and Private Interest," under the cognizance of the Contract Services Association in counsel with agency officials, reviewed FAR's Part 37 regulations and concluded that "many of the processes, procedures, and policies contained in the FAR need to be revised to assure the government has full and free access to all commercial capabilities available." Most of these rules have evolved over time and do not necessarily focus on the complexities that developed over time as a consequence of using a variety of contracting mechanisms to procure services. Acquisition management challenges for consideration include:

- How do we develop, implement and evaluate contracting vehicles to ensure agencies have needed competencies, obtain surge capacity, acquire needed flexibility and resolve specific issues?

- How do we streamline and improve the use of regulations as a mechanism for accountability?

- What is the impact of the government no longer directly employing the workforce that is conducting new research and development and building new innovations and technology?

- Has the definition of "inherently governmental" shifted – however subtly – so that contractor personnel are performing functions that ought to be performed by federal employees?

- Are there emerging best practices for acquisition by government agencies that use multisector workforces?

Human Capital and Management

The standards for strategically managing human capital require agencies to align human capital plans with the mission and strategic goals of the agency, to conduct workforce planning activities, to develop leadership and knowledge management activities, to develop a results-oriented performance culture, to recruit and retain a talented workforce, and to establish an accountability system. In light of the increasing practice of using multisector workforces, we must examine how these standards apply and determine whether we have the tools necessary to apply these standards to the total workforce.

- What special skills are needed to manage a multisector workforce?

- What tools, systems and best practices exist to model effective management of the third party workforce?

- How do we address the need to improve the skills and competencies of the current employee and supervisory workforce so they are able to work with, as well as oversee and manage, the multisector workforce?

- Can federal performance management systems – including pay-for–performance systems – be designed to support coordination, oversight, and management of the multisector workforce?

- How do we develop and institutionalize a workforce planning system that accommodates a view of the entire multisector workforce needed to accomplish the mission, not just the federal component?

- How can government assure that third party workforces will provide the skills and competencies needed?

- How do we build project management capacity and acquisition skills needed to improve our management of federal contracts?

- How do we sustain core competencies to ensure effective project management, oversight and termination of contracts if necessary?

- What role do labor unions play as representatives of employees in the workforce, when half of that workforce is a contractor workforce and the balance are federal employees?

- How can we help managers avoid pitfalls such as supervising contractors and allowing contractors to provide personal services?

- What is the impact of contractors supervising other contractors on behalf of the federal government or supervising federal employees?

Social Equity and Values

The Academy defines social equity as, "*The fair, just and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice, and equity in the formation of public policy.*" Moreover, values form a framework which surrounds all of the interactions of the people within a system. Individuals use values and related beliefs to interpret events and give meaning to communications. Common values and beliefs are the bond (glue) which holds an effective organization or team together. Managers rely on organizational values to make difficult decisions.

The government has articulated beliefs, values and social equity goals through a series of public laws, policies and implementing regulations in areas such as the Civil Service Reform Act and the Veterans Preference Act, which apply specifically to the civil service, as well as more general local, state and national employment laws such as the Civil Rights Act, the National Rehabilitation Act, the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act, to name a few. This system of laws exists to assure that the federal civil service is merit based, protects employees and the public from prohibited personnel practices, and promotes legislated values and social equity goals. As federal missions are increasingly performed by contractors and non-profit partners, it is appropriate to examine first, the impact of that shift on these long standing values and goals, and second, what inconsistencies exist between those who have sworn to the oath of office and those who have entered into employment agreements with outside contractors.

Government has an obligation to the public to persistently pursue and perfect the marriage of equity and governance.[4] Available management strategies to address equity considerations include: ensuring procedural fairness, equal access, consistency in the level of services delivered, and on-going barrier analyses. As we employ multisector workforces, managers need to focus on a number of social equity and values issues such as:

- What is the impact of contracting out on the actual delivery of services, i.e., who is served, who is not served, and how the public need is being met?

- What impact does contracting out have on the values and goals inherent in the federal government's treatment of its own workforce? If there is a negative impact, can or should it be remedied?

- How do we address the fact that the federal government has traditionally addressed equity values in employment, whereas many who are increasingly doing the work of government do not?

- Does it make a difference that federal employees take the Oath of Office, while contractor employees do not?

- Should contractors be required to take an appropriate oath? Currently, federal employees take the Oath of Office below.

> *"I do solemnly swear [or affirm] that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."*

Legal and Governance Issues

Governance is broadly defined as the traditions and institutions by which authority is exercised including: 1) The process by which governments are selected, monitored and replaced; 2) the capacity to formulate and institute policy; 3) the respect of citizens for the institutions that govern economic and social interactions. Contractors provide goods and services on a contractual basis. They are responsible for meeting the terms of their contracts and for complying with applicable regulations and laws. Federal employees have in addition, taken a public pledge to uphold the Constitution and discharge the duties of their offices. The overarching question concerns what administrative laws need to be revised, amended or eliminated to facilitate the effectiveness and efficiency of the multisector workforce.

- Is there a changing paradigm of government management from a governance focus to an entrepreneurial (business) focus? How does the growth of the multisector workforce contribute to that phenomenon?

- What is the impact on our Constitutional system and administrative law norms when government activities are performed by a multisector workforce through various contracting and grant vehicles?

- How do we stay true to the public purpose of administrative laws such as freedom of information, open meetings, enforcement proceedings, avoidance of conflict of interest and public participation with respect to the activities of government contractors? How do we address this issue across Federal, state and local government lines?

- What constitutes a "coherent framework of laws," management principles, and organizational practices to assure that government officials have the tools they need to account for the work of the government?

- Contract specialists currently consider costs, contracting vehicles, and performance, but do not always consider the impact of constitutional and administrative law as part of the equation for determining the business arrangement. Should we work to ensure that the contracting specialists have knowledge of and consider the impact of constitutional and administrative law norms when making contracting decisions?

- How can we determine the best alternatives for establishing a governance structure for the multisector workforce? The three visions identified by Guttman[5] are below.

    - "Presumption of regularity/public law" -presumes officials have the capability to oversee and control "work performed by both government and contractor personnel."

    - Governance/accountability - a bipartisan consensus that public purposes are best performed by a mix of "public, private and civil society institutions" with a focus on the means to ensure accountability. This assumes "the application of modern management and social science techniques, use of political stakeholders and contractors to supplement the workforce, and transparency as an aid to management techniques and nongovernmental watchdogs."

- "Muddling through/Common law" – which has become the defacto model in the absence of coherent congressional and executive oversight.

Organizational Culture

C. K. Leman in his article, "Direct Government" proposes that an agency's mission and culture provide an organizational framework for recruitment, retention and effective management of the agency. This framework defines the work and shapes what needs to be done. One of the primary goals of the President's Management Agenda is to create throughout the federal sector a strong, results-oriented performance culture. The components of such a culture include individual managerial performance expectations aligned with organizational strategic goals; performance management systems that distinguish levels of performance; effective employee and management relationships; and accountability systems.

- Considering meetings, teambuilding techniques, labor management partnerships, training, communication vehicles, work group design, performance and feedback instruments, which are the most effective techniques for organizing and integrating the multisector workforce around an agency's culture and mission?

- Currently, government managers have limited knowledge of the rules and norms by which the private sector operates. What do managers need to know about the private sector to be effective managers of the multisector workforce? What do managers need to teach the private sector about government?

- How do we develop systems that allow for comparable recognition of effort by all parts of the multisector workforce? Currently, agencies may directly award traditional cash and honorary recognition for accomplishing results only to federal employees.

- The research indicates that differences in work status (contractor vs. federal employee) have similar weight in the workplace as other demographics of race, gender, etc. What is the impact of this finding?

- What happens to the culture of an organization when different employees are working under different pay and benefit plans?

- How has the relationship between the employee and the federal government changed as a result of increased use of the multisector workforce? How has it changed the "psychological contract" with respect to employee concerns in areas such as job security, recruitment, retention and pay for performance?

- What measures and performance management systems should be employed with the multisector workforce to ensure effectiveness of that workforce?

PHASE TWO: NEXT STEPS

At the conclusion of Phase I, the Working Group determined that management issues arising from the growth of the multisector workforce have not been addressed in any systematic manner. Focused research designed to identify issues and solutions is sparse. As a consequence, the Academy proposes to address the need for results-oriented research and new approaches through Phase II of the project.

Moving forward, the Academy will appoint a panel composed of experienced Fellows in public governance, human capital, competitive sourcing, administrative law, and management theory. This panel will examine the key management challenges identified in Phase I and propose targeted areas for directed study based on the utility, magnitude and urgency of the issue. The panel will then develop a series of reports to illustrate the barriers, challenges, opportunities, and emerging practices for each study issue.

The Panel will also sponsor discussion forums on this project. The first forum will present the preliminary findings of Phase I and host thought leaders on this issue in the six mission-critical areas of accountability, acquisition, human capital and management, social equity, ethics and values, legal governance and organizational culture. This will be an interactive forum to share the research and the targeted issues with a group of experienced human resource practitioners & thought leaders. The outcomes of the forum will be knowledge sharing and prioritization of targeted issues, as well as suggestions for follow up projects and partnerships. A second forum will focus on emerging practices at federal agencies and bureaus.

The primary outcomes for Phase II are:

- sponsor forums to inform the thinking and elevate the issues
- identify issues, barriers and critical success factors for effective utilization of multisector workforces
- serve as a catalyst for projects by other individuals and institutions
- a model and new tools for high performance using multi-sector workforces that can be transferred to other sites – used by federal agencies
- a Resource Guide on multisector workforce that is based on the work of Phase One.

MULTISECTOR WORKFORCE MANAGEMENT
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Academy Initiative: The Multisector Workforce Initiative was launched by the Public Service Big Idea Positioning Committee which was established by the Academy in 2004. Phase I of this project has been developed by a Working Group of the Positioning Committee, with the cooperation of the Academy Standing Panel on the Public Service. The research and development projects that will be undertaken in Phase II of this initiative will be under the direction of the Academy's Human Resources Management Consortium with the ongoing cooperation of the Standing Panel on the Public Service.

[1] From "Making Reform Work: Contracting for Government," by Dan Guttman (1997).
[2] The Tools of Government: A Guide to the New Governance/edited by Lester M. Salamon, Oxford University Press, 2002
[3] Salamon, (2002)
[4] Introducing Public Administration, 3rd Edition, New York: Long, Inc., Shafritz & Russell, 2003
[5] Government by Contract: Constitutional Visions: Time for Reflection and Choice." GW University Law School, Dan Guttman 2004