

Appendix A Sample Textbook Review

A review of textbook content on personnel management in public and private settings provides information on how academia addresses merit in human resources management. Merit-based HRM systems typically describe public HRM at one end of the continuum of employment systems with at-will employment at the other. The gap between public and private personnel management, however, is narrowing as the broad field of HRM develops its own scholarly identity and the laws affecting civil rights and employment generally have grown to apply to both the public and private sectors.

To get a feel for the differences and similarities in HRM in the two sectors in the area of merit, I reviewed a sample of several textbooks used in courses on HRM for the public or other sectors. In this review, I note how each addresses merit in four categories of analysis -- merit principles or values, hiring and staffing, classification and compensation, and employee protections, all key components of a merit system and the basis of data collection and analysis later in the research. The texts were selected at random from the Virginia Tech library and from texts that I knew were used in various courses. This was a limited convenience sample, not an exhaustive review of the literature. The texts for the public sector included Klingner and Nalbandian, 1998; Rabin, et al, 1995; Nigro and Nigro, 1994 and 1981 (to see if the focus had changed over a period of time); Cayer, 1996 and 1975; Shafritz, et al., 1992; and Stahl ,1962 (as a classic text in the field). The non-public-oriented texts included Ivancevich, 1998; Lewin, 1995; and Bernardin and Russell, 1998. I will discuss the results of the reviews in each category.

1) Merit principles or values

Nigro and Nigro provide a good description of the history of the merit personnel system in both their 1981 and 1994 texts. They discuss the merit concept in terms of appointments, promotions, and other actions being made on the basis of relative ability. Their focus is descriptive rather than prescriptive practices as they describe the use of tests for entry and performance appraisals for other personnel actions as having historically been the primary merit-type practices. Interestingly, the 1981 text links merit

to the changing face of personnel management. The text says that the meaning of merit “has been broadened to mean more than ranking candidates according to measures of their ability. Merit is now defined by many persons and by law to include guaranteeing EEO to minority groups and women. ... To unions and employees, merit now also means pay that compares favorably with the private sector and it means due process and other rights now recognized by the courts.” In 1994, they wrote less about traditional merit but expanded on EEO and affirmative action, defining representation as a goal of public personnel management. Political pressure for affirmative action and Federal mandates for all employers (e.g., EEO Act of 1972 and Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967 and 1978, the Vocational Rehabilitation Act of 1973, and the ADA of 1990) were highlighted as drivers for personnel management practices.

Klingner and Nalbandian (1998) focus on the political context of public personnel management with the allocation of public jobs as a one of several competing values in public personnel management. They map the evolution of merit principles and political neutrality in civil service systems and list the merit system principles from the CSRA of 1978 as the foundation of personnel management in the public sector. They also cite collective bargaining and affirmative action as competing with merit in public HRM system values and practices.

Cayer (1975) emphasizes equity in merit systems as the pressure to be fair in personnel processes and states that equal employment opportunity will continue to be an integral part of the merit concept. Equity also demands the protection of the rights of employees. Cayer describes merit as the basis for HRM in non-Title 5 federal organizations and in state and local government personnel systems. He was the only author to state clearly that merit in principle is important but that there is little discussion of or agreement on a specific set of practices to define merit systems. In 1996, the text moves substantially away from the discussion of merit to the political context of the federal personnel system. Fairness is discussed as an element of EEO and affirmative action. Personnel management is viewed as an element of representative democracy.

In Rabin, et al, (1995), Loverd focuses on historic principles in public personnel management. The first principle is that of recruitment via competitive examinations or on the basis of job ability or individual competence. The second major principle is the absence of arbitrary removals and the relative security of tenure. And, the third principle is that of political neutrality in the civil service. Strauss and Stewart define merit as assuring EEO in the organization through laws that affect most employers, not just the public employer.

Shafritz, et al. (1992) focus on the differences between merit and patronage personnel systems. They discuss the importance of the civil service in the modern state and both the CSRA of 1978 with the Merit System Principles and the Whistleblower Protection Act of 1989. A major portion of the text is devoted to EEO and affirmative action and the changes in federal employment practices over time. There is little emphasis on values per se but the context is one of democratic governance. He discusses the role of bureaucracy as a source of jobs and economic betterment of the citizenry and its social composition as an indicator of political power and representation in a democracy. The concept of equity implies the distribution of government jobs should be approximately proportional to, or representative of, the population at large.

Stahl (1962) does not discuss merit principles as such. His framework for merit is a contrast to patronage. He does talk, however, about open competition (that is, adequate publicity, opportunity to apply, realistic standards, absence of discrimination through a focus on ability and fitness, and ranking on the basis of ability), equal pay for equal work, competence and continuity, democratic employer-employee relationships set in human dignity and human diversity (Stahl, 1962, 28-29, 47-48).

Looking at the general HRM texts, I found no discussion of merit as an informing principle or value but an even *greater emphasis on EEO and fairness* in personnel systems than in the public sector texts. Lewin (1995) discusses EEO legislation and case law as a driving force for many HRM practices with fairness as a foundation for pay and for employer/employee relationships. Merit appears as one rationale for compensation.

Ivancevich (1997) puts forth a basic tenet of personnel management: “Any activity engaged in by the HRM area will be *fair, truthful, and honorable*; people will not be discriminated against, and all of their basic rights will be protected” (11). He goes on to say that for an organization to remain healthy and whole, the people within it must believe that *employee relations are just and equitable* (14). The influence of Federal regulations and EEO on HRM activities, policies, and programs receives strong coverage throughout the text. He holds that when an organization makes decisions about hiring, promotion, performance evaluation, downsizing, and discipline, it must weigh the impact of government regulations.

Finally, Bernardin and Russell (1998) extensively cover the *impact of EEO* laws in various HRM contexts including job analysis, downsizing, personnel selection processes, employee training and development, performance appraisal, and compensation and equal pay for work of comparable worth.

In summary: The public-centered texts set merit squarely in historical and political contexts as a reform of the patronage system. Nigro and Nigro, Loverd and Stahl focus on merit as personnel actions based on ability. Klingner and Nalbandian emphasize merit HRM as the allocation of a public resource. Cayer and Loverd talk about fairness and equity in personnel actions and protection of employee rights. By the 1970s, the public sector texts were also emphasizing both EEO and due process in their discussions of merit and merit systems. Representation is added to fairness and equity as a goal of public personnel management. The public sector texts speak of fairness in personnel practices, social equity, distributive justice, merit principles as articulated in the CSRA of 1978, political neutrality, hiring on basis of ability and competence, and absence of arbitrary removals.

In the general HRM texts, I found no discussion of merit as an informing principle or value but an even greater emphasis on EEO and fairness in personnel systems than in the public sector texts. Their primary focus was on the influence of EEO laws and the importance of equity and fairness in personnel decision making for both compliance

and good workplace practices. Ivancevich (1997) expressed the values of fairness, truthfulness, and honor as well as just and equitable employee relations. Merit in a political context is a clear difference between the two sectors; the values of fairness and equity, however, in general are very similar.

2) *Hiring and staffing*

The hiring and staffing techniques that public employers often use generally revolve around some type of measurement or assessment. Both public and general texts describe similar approaches to hiring. The public sector has historically followed a more controlled/centralized path in using a detailed set of procedures to limit bias and favoritism in the selection process. The authors describe the processes but do not define them as requirements of a merit-based system.

Nigro and Nigro (1994) tell us that the “tests applied by public employers with merit systems usually involve some combination of ...minimum qualifications requirements, evaluations of training and experience, written tests, performance tests, oral examinations, and background investigations” (87). They also state that a distinctive feature of US civil service systems is the use of ranked eligibility lists and the “rule of three” for selections. “As questions about test validity have increased and EEO concerns have mounted, public employers have moved to ... certify more names” (88-89). Use of direct hire authority has occurred under labor market shortage conditions. In these cases, candidates can be hired without competitive certification. The use of high grade point average as a direct hire authority is used in the federal sector but has come under scrutiny and has not been further expanded. In the 1981 text, the authors also discuss promotions, including area of consideration, merit promotion plans, and promotion panels.

Klingner and Nalbandian (1998) discuss the traditional merit hiring as based on an applicant’s knowledges, skills, abilities, and performance. They see a trend toward focusing on fairness as a social issue rather than a scientific one. In their text, they cover the topics of centralized versus decentralized recruitment, test validation, job analysis, and methods of evaluating qualifications (e.g., bio data, aptitude tests, ability tests,

performance examinations, references, performance evaluations, interviews, assessment centers, and probationary periods), all of which are covered similarly in non-public texts. More specifically, they list steps in the staffing process, including developing valid selection criteria, testing or otherwise screening applicants, preparing lists of qualified candidates, interviewing the most highly qualified, and selecting the most qualified candidate. (Such steps are generic to many employment systems.)

Cayer (1975 and 1996) focuses on the need to attract highly qualified people to the public service and discusses efforts to seek out candidates from underrepresented groups. His text speaks more broadly about using KSAs for hiring analysis and planning and developing an examination process for determining which applicants can perform the duties of a position. He discusses exam validity issues, bias, and EEO as well as internal versus external selections. External selections involve creating an eligibles list, rule of three, and veterans preference. In 1996, he emphasizes the use of unassembled examinations including assessment centers and challenges the rule of three.

In Rabin, et al (1995), Carnevale and Housel see the recruitment process for public positions locked into several value systems, such as social equity which speaks to targeted recruitment and distributive justice which calls for giving all Americans a fair share of the economic pie that public employment represents. Werbel reviews the research regarding criteria used to select job applicants. He focuses on prescriptive and descriptive literature and recommendations for use by practitioners. This is a broader discussion on general HRM hiring practices that is applicable to most large organizations, not just the public sector.

Shafritz, et al. (1992) focus on the elimination of discrimination in employment through the job-related requirements of *Griggs* and *Wards Cove*. Recruitment should provide organizations with adequate numbers of viable candidates. They note that the examination process is the heart of the selection process. Job-relatedness remains the paramount consideration in choosing a selection device. The text discusses extensively the variation in the examination alternatives.

Stahl's text (1962) gives an in-depth discussion of competitive recruitment efforts and the rationale behind them. He supports the use of registers since they "constitute one of the principal areas of contact between government agencies and the general public" (Stahl, 1962, 106). On veterans preference, he recommends that such "preference should be viewed as a readjustment aid rather than a reward.... To take any other position is to open the doors to mediocrity, since it will be primarily those veterans who fail at other lines of endeavor who will seek the special privileges and security of public service some years after their return to civilian life" (Stahl, 1962, 106). In the area of rating and ranking, he allows that competition can include both numerical ranking and groupings into broad categories of quality (Stahl, 1962, 53). He lauds the path the TVA took early on in the use of the latter approach and suggests it could serve as the "groundwork for reform of many merit system staffing practices" (Stahl, 1962,106), including a reduction in the use of the rule of three.

On the general HRM side, Lewin (1995) holds selection up as the relationship between predictors and criteria. Predictors include educational credentials, interviews, prior work experience, and reference letters; newer predictors include lie-detector tests, drug tests, personality tests, and assessment centers. Criteria include number of products produced, quality of products produced, dollar volume of products sold, among others. There are a wide variety of procedures, methods, tools, and techniques that firms use to make large-scale selections decisions. Legislation limits the doctrines of private property rights and at-will employment in the US; the intent of these laws is to prevent employee selection decisions from being made on basis of predictors that are unrelated to criteria for job performance.

Ivancevich (1997) approaches recruitment in terms of what the government looks at, e.g., recruitment sources for each job category, recruiting advertising, statistics on number of applicants processed by demographic category and by job category or level, and checklists to show what evidence was used to verify the legal right to work under the Immigration Reform and Control Act. Internal recruiting includes use of skills inventories and job posting and bidding.

The goal of any selection system is to accurately determine which applicants possess the KSAs dictated by the job. The selection system must be capable of distinguishing between characteristics that are needed at the time of hiring, those that are systematically acquired during training, and those that are routinely developed after a person has been placed on the job. Criteria for selection can include education, experience, physical characteristics, and other personal characteristics. The techniques for assessing each candidate can include application blanks and biodata forms, interviews, psychological tests of aptitude and personality, sample tests of present skills, physical and medical testing, and checks of previous experience through references. The selection process may involve any combination of several steps --preliminary screening (biographical information blank, weighted application blank), employment interview, employment tests, reference checks and recommendations, physical examinations, and for managers, assessment centers. Testing is a growing component in the hiring process. "Many companies now use aptitude or cognitive ability tests to screen applicants, bolstered by considerable research indicating the tests are valid for virtually all jobs in the U.S. economy" (Bernardin and Russell, 1998, 142). The authors describe a range of tests that are being used. This coverage is greater than that found in the public-oriented texts.

Finally, Bernardin and Russell see the legal environment as a primary force shaping staffing policy. There are many challenges to employment-at-will doctrine and plaintiffs are winning large judgments against employers under creative legal theories related to contract or tort law. The recruitment goal for both HR and line management is to hire the most qualified person(s) when needed and without violating any laws or regulations. They use job analysis and job descriptions to identify the KSAs for external recruitment; however, most organizations try to fill positions with current employees. The manager should be required to stipulate why highly specific credentials or areas of expertise are required in the context of the organization's strategic plan. Numerous lawsuits have been filed related to internal recruiting and placement decisions, especially related to the "glass ceiling/glass wall." Job posting can improve internal recruiting. When properly implemented, job-posting systems can substantially improve quality of job placements and protect the organization from EEO problems.

Bernardin and Russell give us description of a recruiting and hiring process that can cut across all institutional lines, public and private. They tell us that recruiting in the near future may look like this for most large companies: line manager does job analysis; questionnaire is converted to a job posting and matched with current database of applicants; list of candidates is created; line manager receives a list of interested and qualified candidates; a testing and interview format in compliance with all EEO guidelines is derived from the same job analysis information; additional data is collected on the applicants; and a list of top candidates is compiled. This clearly defines a good HRM hiring process—public or private.

In summary: Both public-oriented and general texts address similar issues in recruiting and staffing. Overall, the HRM field today is moving the private sector toward the activities for recruiting and hiring that the public sector has used in the name of merit for a long time, i.e., job advertisements, job posting/application, comparison of applicants' skills, knowledges, and abilities as needed for the duties of the position, selection based on the possession of these capabilities rather than for other non-merit-based reasons. The issue of adverse impact remains a concern to all employers using tests. For this reason, many employers, public and private, do not use cognitive ability tests and, instead, use other methods such as interviews or performance tests that have less adverse impact but are less indicative of potential performance.

An important difference between public and private sector employment once was the emphasis on merit versus patronage within the public sector. Today, while that issue still stands, civil rights laws and judicial decisions have pushed the private sector (as well as the public sector) to ensure that hiring and promotion actions are also free of bias, reducing but not eliminating that sector's freedom to hire and fire at-will. Finally, the public-oriented texts address the primary difference between the two sectors – public jobs as an allocation of public resources. While there were no specified practices that are determined essential to merit systems for this purpose, it is clear that this context requires as public policy a more open and competitive employment system.

3) Classification and compensation

Classification and compensation have traditionally been significantly different between the public and private sectors. For the most part, the federal system has been centrally managed under a central, nationwide classification and compensation system under Title 5. Internal equity has served as the foundation for classification with pay annually adjusted to inflation or private sector wages, based on recommendations and agreement by the president and congress. It is a political system, not one driven by business requirements and profit margins. Only in the context of demonstration projects under Title 5 or in some of the Title 5-exempt organizations has this model been altered, with the use of broadbanding classification and compensation systems. Locality pay, introduced in 1990 under the Federal Employees Pay and Compensation Act, began a shift away from a nationwide pay scheme in response to recruitment problems in high cost of living areas.

Nigro and Nigro (1994) focus on classification as a mechanism for equal pay for equal work and comparable worth, tied to FEPCA of 1990, the Equal Pay Act of 1963, and point factor job evaluation. At the state and local levels, collective bargaining is an additional component in the compensation system. They also touch on the concepts of pay for performance and incentive pay. Coverage is very limited in the 1981 text.

Klingner and Nalbandian (1998) cover position management in some depth. Jobs are classified into groups based on characteristics and level of responsibility as well as the values of agency effectiveness and individual equity. They see market models as supporting efficiency but conflicting with individual rights and social equity. Public agencies must treat employees equitably based on merit factors. Pay and benefits serve as a measure of comparison for internal and external equity. They raise the issue of “new pay,” which contrasts with the internal equity and seniority of traditional pay by rewarding differences in performance. Job analysis is the key basis for classification and compensation systems.

Cayer (1975) sees classification as the basis of almost all other personnel activity. It is a rational approach to organizing activities in a hierarchy resulting in efficient coordination. The object of classification is to permit management to make rational decisions about the relationship of duties and responsibilities to the other concerns of personnel administration, such as, fair compensation, effective recruiting and qualifications. The classification approach may be too narrow for today's more complex yet flexible requirements. An alternative may be rank-in-person which uses abilities, credentials, and experience of the individual as the basis for making various personnel decisions, especially compensation. He suggests that some combination of the two may be best since the capability of the individual generally affects the duties they perform in any event. Compensation needs to be fair and equitable in principle and in fact. Pay plans can be fair only if employees are paid according to their worth and comparably with similar employees in the private sector. In the 1996 text, he discusses the factor evaluation system and emphasizes broadbanding as an alternative approach to compensation. There is no discussion of job analysis as a key technique but it is an essential element of the classification process. He has added considerable material on comparable worth and collective bargaining.

In Rabin, et al (1995), Strauss and Stewart look at comparable worth and pay equity from the standpoint of the standard that jobs need not be identical but only substantially similar in skill, effort, and responsibility to evoke coverage of the Equal Pay Act of 1963. The focus is on duties not employee qualifications. They do not seem to differentiate between public and private sectors. Chapters by Elliott and Vocino and Luton and Reilly focus on internal, external and individual equity and comparable worth for classification and compensation generally whether public or private.

Shafritz, et al. (1992) give a history of position classification and emphasizes that positions, not individuals should be classified. They describe the factor evaluation system. On compensation, they discuss locality pay and the federal pay reform of 1990 and provide good coverage to comparable worth.

Stahl (1962) sees classification as the foundation for compensation with duties-based classification as the centerpiece for the merit system. A classification plan offers a good protection against political or personal preferment in determination of public salaries. He notes, however, the difficulty of rigid grade structures, making it difficult to adjust in times of labor shortages; at the same time, he warns against using market conditions which might “destroy equal pay for equal work among different but equivalent occupations” (184). The best practice is to establish a minimum rate, several intermediate rates, and a maximum rate.

In the general texts, Lewin (1995) sees job analysis as a key HRM activity and merit as a rationale for compensation. He discusses both normal annual steps that are tied to performance evaluation and differ from inflation-related increases and wage progression with a rate range rather than a single wage rate. Pay is typically set based on similar external jobs. Two options for determining rate of advancement are seniority or merit. In civil service merit and seniority systems coexist as most employees are found meritorious after a required waiting period. Rational employer-employee practices often lean toward long-term relationships featuring pay premiums, career ladders, and rewards for loyal service. Social standards of fairness tend to reinforce these practices.

Ivancevich (1997) sees job analysis as a foundation for compensation and other HRM-related activities. The objective of the compensation function is to create a system of rewards that is equitable to the employer and employee alike. Equal pay and comparable worth are intrinsic to a good compensation system, including job ranking, classification, point system, and factor system. Merit as a rationale for compensation is discussed as incorporating normal annual steps tied to performance evaluation and differing from inflation-related increases. It is a system of wage progression with a rate range rather than a single wage rate.

Bernardin and Russell (1998) also see the job analysis as the foundation for most HRM systems. Job descriptions clearly define responsibilities and determine the relative importance of tasks and working relationships between positions and individuals.

Compensation may be viewed as a system of rewards that motivates employees to perform and enables organizations to achieve their business objectives. Federal regulations, including The FLSA, Walsh-Healey Act, ERISA, Equal Pay Act, Pregnancy Discrimination Act, and COBRA, regulate compensation practices. An effective compensation system enables an organization to attract and retain qualified workers; complies with government regulations; motivates employees and fosters a feeling of equity; and has a structure that reflects the organization's ability to pay. The three traditional job evaluation methods are ranking, classification (government), and the point factor (Hay plan). Broadbanding, pay for knowledge, and team pay are three contemporary approaches to pay. Pay for performance and incentive plans include gainsharing and profit sharing.

In summary: With the exception of the historical federal approach to a national classification and compensation system emphasized in the public-oriented texts, the texts overall do not reveal major differences in this area between the public and private sectors. The general texts mentioned the classification approach used in the public sector as one possible approach to classification/compensation. Bernardin and Russell (1998) capture the essence of classification and compensation systems in both sectors: An effective compensation system enables an organization to attract and retain qualified workers; complies with government regulations; motivates employees and fosters a feeling of equity; and has a structure that reflects the organization's ability to pay. The issues of internal and external equity and equal pay/comparable worth versus efficiency and market-based pay systems are current issues for discussion generally in the HRM field; but the public texts did not explore this topic as frequently as the others did. Most of the authors see job analysis as the foundation for both classification and compensation. Only the public sector texts differentiated between rank-in-position and rank-in-person approaches. However, there was no discussion in the public texts about the flexibility that the private sector often gives managers to make pay and incentive decisions. The public texts did little to differentiate those systems from the private sector ones.

4) Employee protections

In this section, I looked for indications that the texts addressed the issues of due process and protection of employee rights in the employer/employee relationship. It is in this arena that major differences arise between merit-based and other HRM systems.

Nigro and Nigro (1994, 1981) focus on the discussion of constitutional rights of public employees and case law that changed the focus from employer to employee rights as well as the Hatch Acts that reduce politicization of the public worker. The 1981 text goes into the internal appeals procedures that many organizations established to support justice for employees. Unions then began negotiating grievance and appeals systems.

Klingner and Nalbandian (1998) look at public and private terms of the employment relationship. They state that the sanction function in public employment differs fundamentally from private because public employees have certain rights conferred by the Constitution, i.e., greater protection in speech, association, privacy, and equal treatment than do private sector employees. Under federal statutes and constitutional protections, there are protections in the areas of sexual harassment, whistle blowing, disabilities, speech, belief or patronage, and privacy. Property rights, due process, and progressive discipline have evolved as elements of public employment.

Cayer (1975) in his text covers disciplinary action, loyalty and security issues, political activity restrictions, and grievance procedures and appeals. Taking disciplinary action requires ensuring the rights of employees are observed, such as, informing the employee of the basis of the action, giving him/her the opportunity to refute the charges and the option to have the decision reviewed by an impartial body. In the 1996 text, he increased the emphasis on the rights of employees in the appeals and grievance process.

In Rabin et al (1995), the emphasis is on the rights of employees based on laws or caselaw. Finkle states that the practice of employee discipline is relatively generic in public and private organizations, especially where progressive discipline serves as a foundation for practice. Unionized employees have more rights/protections than non-

union employees. Union employees have the right to representation when discipline is an issue (Weingarten) and public sector union employees have the additional right to be apprised of the reason for termination and an opportunity to explain their side (Loudermill). Anti-discrimination laws protect employees from discriminatory and invalid personnel actions not demonstrably related to the job (e.g., Equal Pay Act of 1963, Title 7 Civil Rights Act of 1964, Age Discrimination Act of 1967, the ADA of 1990). Protections to insure a safe workplace (OSHA of 1970) include the right to demand on-the-job health and safety without fear of reprisal.

Shafritz, et al. (1992) state that the “American civil service merit systems at all levels of government prefer to retain their marginal and incompetent employees rather than risk doing an injustice to an individual” (89). They equate employee protections with our system of justice, emphasizing the place of due process and other constitutional protections. However, there was no discussion of actual practices or procedures that carry out these values in the personnel system.

Stahl (1962) does not discuss due process directly but describes the “prevailing removal procedure which includes a period of advance notice, a statement of reasons for the proposed action, and a reply by the employee before the final decision is made. Veterans must receive 30 days notice with very specific detail and right to appeal to the Civil Service Commission. He notes that there would be restrictions against actions taken based on race, religion, or political affiliation. An appeals system is usually provided after the action is taken.

In the general HRM texts, Lewin (1995) discusses *progressive discipline* as the growing approach to disciplinary actions. He says arbitrators look for organizations to follow their own rules. Employee protections come in the form of *wrongful discharge litigation* (can't be fired for refusing to do something illegal), rights of whistleblowers, EEO as a forum for allegations of discrimination, and reasonable accommodation. Lewin also discussed process for layoff decisions – merit/performance-based versus reverse seniority.

Ivancevich (1997) discusses discipline as a process where the employer establishes goals and rules and communicates them to employees. He promotes progressive discipline and positive discipline. In terms of rights, he sees employees protected by *law, contractual agreement or societal norms free of interference by the employer*. Employees have the right to be treated fairly and ethically and have privacy rights under the constitution that must be balanced with the employer's legitimate business interests.

Bernardin and Russell (1998) take a broader perspective on employee protections. They discuss labor grievance systems and the fact that at least 23 states now require terminations to be based on "*just cause*." In many private firms, appraisal information along with job needs are the primary data used to determine which employees to lay off or terminate while in a unionized company seniority is the primary basis for making staff reductions. The federal government measures both performance and length of service in making RIF determinations, though the perception is that length of service is by far more important.

In summary: In the area of employee protections, the major difference in the public and non-public texts is the emphasis on due process in the public sector, driven in part by the constitutional rights of the public employee. Even here there was little given in the way of a formula. It is clear from case law that due process calls for a statement of charges, an opportunity to respond, and a formal decision before the action is taken. The general texts strongly emphasized legal/compliance issues to ensure employee rights (especially under civil rights laws) and to protect the employer; but they do not convey the same focus on due process and appeal rights as the public sector texts do. "Just cause" is beginning to find a place in the private sector HRM conversation. Their emphasis is on defensible personnel practices that meet legal requirements.

In conclusion, the textbook comparison increases my perspective that the institutionalization of HRM as a field of theory and practice is narrowing the differences between the public and private sectors and between merit and other systems. The most

cogent results of the review include a strong emphasis on the importance of EEO and civil rights in HRM policies and practices in both sectors and the due process requirements of the public sector. In particular, many of the practices that public organizations have been doing for “merit” are now being replicated to protect employers from legal challenges and to meet the requirements of various employment laws.