

The Standardization Cycle: A History of Position Classification and White Collar Pay Policy in the United States Federal Government (1789 to Present)

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Abstract: This report provides a comprehensive history of position classification and white-collar pay policy in the United States federal government from 1789 to the present. Synthesizing over two centuries of legislative and administrative records, the analysis identifies a recurring “standardization cycle” in which the government has predictably oscillated between executive demands for management flexibility and congressional mandates for standardization and equity. The study traces this dynamic through five distinct eras: from the early “statutory rolls” of 1818, to the landmark Classification Acts of 1923 and 1949 that established the modern General Schedule (GS), and finally to the current era of fragmentation characterized by the proliferation of agency-specific exceptions and failed pay-for-performance experiments such as Department of Homeland Security’s MaxHR and the Department of Defense’s NSPS. Drawing on lessons from these cycles, the report concludes with principles for future legislative reform, arguing that Congress must remove detailed job descriptions from statute and modernize the principle of “equal pay for equal work” to create a system durable enough for the workforce of the 21st century.

This history accompanies a proposal for a new, more modern job classification system in the U.S. federal government entitled *Classification Rules Everything Around Me*, available on the Niskanen Center website (www.niskanencenter.org).

* A project of this scope would not have been possible without important work by others over the last hundred years. Two writers and their reports in particular stand out as major forerunners of this project: Ismar Baruch’s excellent *History of Position-Classification and Salary Standardization in the Federal Service 1789-1941*, published by the Civil Service Commission in 1941, and Joseph E. Winslow’s 1968 *Report on Job Evaluation and Ranking in the Federal Government*, prepared for the House Committee on Post Office and Civil Service’s Subcommittee on Position Classification. Baruch went on to play an important role in developing the Classification Act of 1949, and Winslow’s was similarly essential to reform efforts in the early 1970s.

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Introduction: Classification and pay policy as a constitutional question

The question of how to organize the work of the United States federal government is one of the single most hotly contested and continually studied public policy questions in the 250-year history of the country. In fact, it predates the country itself.

Perhaps the most singular complaint that American colonists had with the King of England was the imposition of arbitrary, unfair public policy without their consent. This broad objection was distilled into a series of grievances in the Declaration of Independence that take aim at George III's transgressions and violations of their rights. Among them, the Founding Fathers included not just now-familiar arguments about taxation, trade, and so forth, but also two accusing the king of abusing his power to create and compensate government employees:

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.¹

When the Founders set out to design a new government and governing system, they paid attention to what legitimized state employment and devised a government that addressed these complaints by dividing responsibility for establishing, picking, and compensating public employees between Congress and the president. Congress, under Article II of the Constitution, must “establish[] by Law”² positions, which the president *then* has the authority to fill via appointment. For some roles, the Senate gets a say in the president's pick, but for most it does not. In short, Congress gets to *define* the role and the president gets to *fill* it.³ Importantly, Congress also holds the final say on which roles get *paid* and how much.

Further complicating the picture, both Congress and the president are also politically accountable to the public for ensuring that taxpayer money is well spent. To most people, public salaries are among the most visible and intuitively understood types of spending. It's difficult for most of us to grasp whether \$400 million represents a fair price tag for a new phone system at the Social Security Administration;⁴ it is much easier to form an opinion about whether the current non-executive maximum of \$195,200 sounds like too much money to pay a civil servant or not. The public also has basic expectations about fairness when it comes to public payrolls – differences among individuals across agencies that seem arbitrary create political vulnerabilities, with agencies having (and historically failing) to justify why they're paying someone more for doing the same work.

¹ U.S. Continental Congress, “The Declaration of Independence,” National Archives, July 4, 1776, <https://www.archives.gov/founding-docs/declaration>.

² U.S. Constitution, art. 2, sec. 2.

³ *Weiss v. United States*, 510 U.S. 163 (U.S. Supreme Court 1994). Concurrence by Justice Souter, 184.

⁴ Ann Lewis, “How to Save a Billion Dollars,” *Niskanen Center*, April 30, 2025, <https://www.niskanencenter.org/how-to-save-a-billion-dollars/>.

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These dynamics drive the behavior of both branches.

The president, in the role of chief executive, has tended to push for more management flexibility and market sensitivity. This makes sense: The president's goal is to most effectively manage the executive branch to implement his agenda and would prefer to have all tools possible at his disposal (without the need to ask Congress to act) to manage and attract talent in that pursuit. In 1789, then-Representative James Madison of Virginia put the executive's powers succinctly, arguing against limitations on the president's power to fire: "I conceive that if any power whatsoever is in its nature executive, it is the power of appointing, overseeing, and controlling those who execute the laws."⁵ More recently, presidents have tended to prioritize asking Congress for flexibility to create jobs, set pay rates, hire and fire people, etc., out of a desire to maximize their own control over the executive branch.

Congress, in general, has advanced the other side of the argument: It has tended toward stricter, statutory limits on the establishment and compensation of roles and an emphasis on the principle of "equal pay for equal work" as the north star. This also makes sense: Congress is particularly sensitive to both arguments from the public and the federal workforce about such issues as under/overpayment, waste, inequity of pay, poor agency judgment, etc., that it solves by constraining the executive branch. This is also one obvious mechanism by which Congress can constrain a president's ambition because, while Congress can't limit whom the president hires, it can limit how attractive the offer is or the number of roles the president can fill. And unlike the debates over Congress's ability to constrain removal or make appointments, there isn't much ambiguity under the Constitution about Congress's authority to define the scope, character, and compensation for any given position. The president's salary can't unilaterally be raised by the sitting president; that can be done only by an act of Congress. Nor can a president adjust the pay of those who work for the president outside of the statutory framework Congress has given the chief executive.

This dynamic has led to a push and pull between Congress and the president over flexibility versus standardization throughout American history in cycles that have become predictable.

The Standardization Cycle

For example: In the earliest years, during the late 18th and early 19th centuries, Congress largely deferred to the president and the Cabinet in establishing subcabinet roles, preferring to set overall funding levels but generally leaving the specifics of salary and position definition up to management. Agencies had the flexibility to decide who got paid how much and to design their own compensation schemes to meet their own needs.

However, Congress began to become concerned that agencies weren't making good use of this flexibility — especially with regard to pay. In 1818, the House set up a committee to investigate the topic and began requesting information from Cabinet members about their "views of the most proper permanent

⁵ Joseph Gales, ed., *The Debates and Proceedings in the Congress of the United States*, I (Gales and Seaton, 1834), <https://www.congress.gov/annals-of-congress/volume-1.pdf>, 481.

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arrangement for compensation for the clerks in your Department, having regard to an equalization, as nearly as practicable, to the compensation among clerks of equal responsibility, in the several departments of government.⁶” Apparently unsatisfied with the executive branch’s answer, later that year Congress clawed back exclusive authority to create jobs and set pay, restrictively defining roles and equalizing salaries each year in annual appropriations bills with virtually no flexibility.

To create any new job, the president had to go back to Congress for authorization of both the additional headcount and the salary level, which were carried in each year’s appropriations bill in long tables. In 1818, for example, the secretary of the treasury was authorized by appropriators to employ “one chief clerk, whose compensation shall not exceed two thousand dollars per annum; two clerks, whose compensation shall not exceed one thousand six hundred dollars each; three clerks whose compensation shall not exceed one thousand four hundred dollars each...”⁷ Later on, in the 1830s, amid the proliferation of an unwieldy spoils system and with this system proving unworkable, Congress again granted the president flexibility and backed off this type of rigid job definition — once again, the president and Cabinet were allowed to decide on jobs however they saw appropriate.

This back-and-forth more or less describes the flow of the debate for the ensuing two centuries. The realities of politics, constitutional separation of powers, and practical management needs have created a predictable **standardization cycle** that recurs throughout American history where:

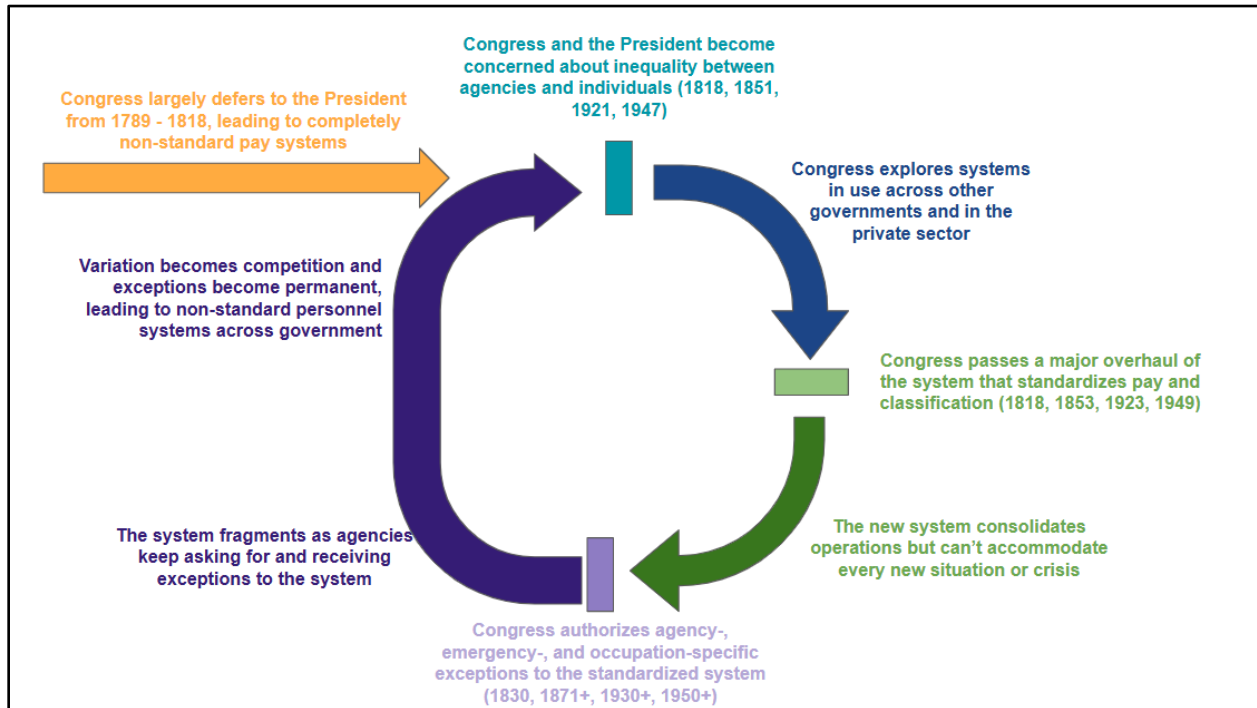
- The executive branch uses flexibility to pay some people more (or less) than others, often according to a mission need or exigency that exists at a given time. For example, a job might be hard to fill at regular rates in a given year, or an agency involved in an emergency response might pay higher rates than normal to staff up quickly in response to the crisis.
- Over time, these exceptions stack up and lead to fragmentation: temporary deviations become permanent, agencies request and are granted special authorities by Congress, novel systems proliferate, etc. Because wages are sticky, it’s hard to reel agencies and employees back once an exception is granted.
- Congress (and often the president) begins to see the system riddled with exceptions as unworkably complex and unequal: people doing similar jobs but being paid differently becomes both a political liability and a practical management challenge. Reformers begin to investigate ways to standardize the pay system that accommodated the needs of agencies at that time.
- Congress passes an overhaul of the system that attempts to standardize pay and classification systems and tries to collapse the variety of old systems into this one, consolidated new system. This system centers a set of values and principles that tries to remedy the issues in previous systems.
- As distance increases from the overhaul, the new system begins to show its limitations due to changing conditions and agencies petition for exception cases and more flexibility, especially in times of acute need or crisis.

⁶ *Duties of the Government Clerks*, H. Doc. 194, 14th Congress (U.S. House of Representatives, 1818), 3.

⁷ An Act to Regulate and Fix the Compensation of the Clerks in the Different Offices, 3 Stat 445 (1818), <https://tile.loc.gov/storage-services/service/l1/l1sl//l1sl-c15/l1sl-c15.pdf#page=45>.

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- Congress grants limited flexibility to the executive branch, and the cycle starts over again as the system fragments.



This cycle has recurred over and over again throughout American history, and each time, the system has changed to accommodate the world of work it was being imposed on.

In each of these cycles, when Congress acted to create a new standard, it responded to the conditions created by the *previous* system, recentering the new system on a set of values. In general, there have been four complete standardization cycles through American history, which each created a new regime:

1. **Cycle 1 - The statutory roll in 1818** – As discussed earlier, responding to the executive branch's inability to explain its choices about employment and compensation, Congress created a deeply inflexible system that centered the value of Congressional control. In this model, the legislative branch controlled every aspect of job creation and salary fixing each year via the annual appropriations process.
2. **Cycle 2 - Pay standardization in 1853** – Responding to complaints about varying pay levels across agencies for similar work and also significant levels of graft under the spoils system, Congress centered strict salary standardization and control in this system. For most clerical, subcabinet jobs, only one of four salary levels was possible, and agencies were mostly stuck paying one of those rates, making payroll-related graft much more difficult.
3. **Cycle 3 - The Pendleton Act and the Classification Act of 1923** – For 75 years after 1853, the pay rates Congress established were the core of the federal personnel system. However, the world changed dramatically during this period, which led Congress to allow many different systems

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proliferate around the edges. In 1923, reacting to an array of nonstandard pay systems that made the government impossible to govern, Congress reacted by centering comprehensive, detailed standardization and standardization as the core of the new system. Tight central control by the Personnel Classification Board and then the Civil Service Commission drove a complicated, lockstep classification system across agencies.

- 4. Cycle 4 - The Classification Act of 1949 and the General Schedule** – During the crises of the 1930s and '40s, the limitations of a highly centralized and baroque system showed themselves. In 1949, Congress reacted by establishing the General Schedule, which was much simpler to manage and permitted greater levels of decentralized action by agencies. In this model, the GS centers rigid internal equity as its primary value to drive simplicity and support labor harmony.

Today, we're about 75 years into Cycle 4, which covers the period following the implementation of the GS in 1949. In that time, challenges have emerged with the system, and Congress has periodically taken notice. However, it remains to be seen which values the eventual replacement will center in a future new model, though this paper contemplates several recommendations.

To inform that work, however, it is important to consider not only the problems with the current GS system, but also the problems with all prior systems that the GS was intending to solve.

Cycle 0: The early founding period (1789–1818)

Prior to the 1850s, position definition in the federal government was more of an art than a science. In an era dominated by low turnover and the prevalence of a highly educated elite in government, Congress tinkered with both highly specific systems and management flexibility to both define subcabinet jobs and figure out how to compensate those jobs.

In the very beginning, when there were relatively few employees of the new national government, the earliest congresses set specific salary rates for specific roles with a rough sense that hierarchy should correspond to pay. For example, in September of 1789, Congress fixed the pay of the secretaries of the Treasury and State (newly renamed from the Secretary of Foreign Affairs)⁸ at \$3,500 per year⁹ at the top end, followed by the secretary in the Department of War at \$3,000, and the comptroller at \$2,000.¹⁰ The lowest level “clerks” who performed a variety of office duties and might most closely resemble today’s senior white collar workforce, were to make \$500 each for whatever duties they were assigned, without much regard to specific job definition.

This one-size-fits-all approach started to show its limitations immediately, and Congress responded by granting management more flexibility. In 1795, Congress granted Cabinet secretaries flexibility to set

⁸ An Act to Provide for the Safe-Keeping of the Acts, Records and Seal of the United States, and for Other Purposes., 1 Stat 68 (1789), <https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg68.pdf>.

⁹ Note: Salaries referred to through the rest of this paper are annualized unless otherwise noted.

¹⁰ An Act for Establishing the Salaries of the Executive Officers of Government, with Their Assistants and Clerks., 1 Stat 67 (1789), <https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg67.pdf#page=1>.

salaries for their clerks with some parameters: they could not exceed \$1,000 per person and couldn't exceed total salary spending from 1794.¹¹ Over the following years, Congress tweaked this authority but generally allowed secretaries "to apportion the compensations for clerks in their respective departments, in such manner, as the services to be performed shall, in their judgment, require" inside of caps.¹² In 1806, for example, the State Department's aggregate salary account was capped at \$7,150, while the Treasury's was \$44,227.81 with the respective secretaries getting to dole out salaries as they saw fit based on whatever system they desired, regardless of whether they considered the duties of a given job or anything else. This approach predominated through the first two decades of the 19th century with guidance from Congress on aggregate pay levels being carried each year in appropriations bills.¹³

Cycle 1: Early experiments with flexibility and specificity (1818–1852)

However, as the 19th century progressed, Congress grew concerned about a perceived lack of fairness and standardization in the system.¹⁴ In late January 1818, the House convened a committee to investigate how agencies were using the flexibility they'd been granted and wrote to the secretaries of State, Treasury, War, and Navy for information:

The committee appointed in pursuance of a resolution of the House of Representatives...have directed me to request that you will be pleased to inform them what number of clerks employed in your Department, and what compensation...each of them received for the last year—also that you will give the committee such information...as may best enable them to judge the amount of compensation proper to be allowed; together with your own views of the most proper arrangement for compensation for the clerks in your Department, **having regard to an equalization, as nearly as practicable, to the compensation among clerks of equal responsibility**, in the several departments of government.¹⁵ (emphasis added)

A couple of weeks later, in early February, Congress started to get responses from the cabinet with schemes that varied significantly. The Department of State provided a list of its 10 clerks, with short descriptions of the duties assigned to each and their salary rates, as did the Secretary of the Treasury for the 7 clerks employed in his immediate office.¹⁶ The Comptroller's office (also part of the Treasury but reported separately) provided a table with duties and salary but also tried to rank the "[r]elative importance of the duties performed by, and responsibility of, each clerk," reporting that some clerks were

¹¹ An Act to Regulate the Compensation of Clerks, 1 Stat 443 (1795),

<https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg443-3.pdf#page=2>.

¹² An Act to Regulate and Fix the Compensation of Clerks, and to Authorize the Laying out Certain Public Roads; and for Other Purposes., 2 Stat 396 (1806), <https://tile.loc.gov/storage-services/service/l1/l1sl/l1sl-c9/l1sl-c9.pdf>.

¹³ Ismar Baruch, *History of Position Classification and Salary Standardization in the Federal Service: 1789-1941* (U.S. Civil Service Commission, 1941), 1.

¹⁴ Paul Vernon Betters, *The Personnel Classification Board: Its History, Activities and Organization* (The Brookings Institution, 1931).

¹⁵ *Duties of the Government Clerks*, 3.

¹⁶ *Id.* at 5-9.

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“First,” “Second,” and “Third” class.¹⁷ Others provided their responses in varying formats and with varying levels of detail. With regard to Congress’s question about how best to equalize pay, the department heads submitted a joint letter with some recommendations which does not appear to have survived in the Congressional record.

Apparently unsatisfied with the degree of “equalization” that agency heads reported, Congress later that year decided to claw back from agencies much of the flexibility to define specific jobs and individual pay rates. In April, Congress moved to a “statutory roll” system whereby annual appropriations bills began exhaustively listing the senior roles at agencies and defining their salaries specifically for each year.¹⁸ For example, that year the secretary of the Treasury’s office was authorized to employ the following senior staff:

SEC. 2. And be it further enacted, That the Secretary of the Treasury Department be, and he is hereby, authorized to employ, for the office of the Treasury Department, one chief clerk, whose compensation shall not exceed two thousand dollars per annum; two clerks, whose compensation shall not exceed one thousand six hundred dollars each; three clerks whose compensation shall not exceed one thousand four hundred dollars each; and one clerk, whose compensation shall not exceed one thousand dollars.¹⁹

This system represented an important shift in Congress’s thinking on pay: For the first time, it attempted to distinguish between jobs of differing salary rates and to standardize those levels across the various departments. It did not, however, attempt to distinguish between what qualified an individual to be one level of clerk versus another or defined how the duties of such a clerk might differ based on their salary and instead attempted to solve only for the principle of *equal pay, generally* across the government.²⁰ However, it is worth noting that most of the attention at the time was spent on more senior clerks rather than “inferior” roles that supported them, such as messengers and laborers. Overall, by some estimates, other salaries in this period averaged about \$400.²¹

The challenges of this rigid, statutorily-defined system are obvious: when conditions changed, the executive branch had to go back to Congress to create new positions, and salary became primarily a function of incumbency, with promotions only becoming possible when someone else vacated their position.²² It incentivized longevity rather than performance because the level of responsibility was not defined and therefore not, in any official sense, tied to the level of compensation for a given role.²³

¹⁷ Id. at 10-24.

¹⁸ Baruch.

¹⁹ An Act to Regulate and Fix the Compensation of the Clerks in the Different Offices, 3 Stat 445 (1818), <https://tile.loc.gov/storage-services/service/l1/lsl/l1sl-c15/l1sl-c15.pdf#page=45>.

²⁰ *Closing Report of Wage and Personnel Survey* (Personnel Classification Board, 1931), 6.

²¹ M. Barris Taylor, *History of the Federal Civil Service: 1789 to Present* (U.S. Civil Service Commission, 1941), 12.

²² *Closing Report of Wage and Personnel Survey*, 6.

²³ Id. at 172.

Return to flexibility amid the spoils system

In 1830, Congress moved back to the “lump sum” approach to appropriations, a retrenchment of legislative authority that roughly continued through 1853. “During this period no general effort was made to specify by law the salaries for individual positions or groups of positions,” though Congress set some one-off pay rates at various times (e.g., \$500 for watchmen in 1850).²⁴ It’s also noteworthy that, at the same time that Congress granted this flexibility, the Jackson administration was also proceeding with its plan to politicize the federal workforce by adopting what later became known as the “spoils system” of distributing roles in the government based on partisan affiliation rather than merit or ability.²⁵

Predictably, against this highly partisan backdrop, agencies took advantage of this flexibility in different ways. In the mid-1830s, secretaries reported various approaches to defining the job duties of the clerks they employed, describing them to Congress in varying levels of detail with varying degrees of thoughtfulness.²⁶ Amusingly, the secretary of state also included his “rules” for employment, in addition to detailed job descriptions, that included a stipulation that they may get other duties as assigned by the secretary as well as requirements for employees to treat their work as confidential, that they complete all their work each day “so that the business of one day shall not be left to accumulate for another,” and that the “usual hours of business in the Department, will be from 10 A.M. until 3 P.M. each day.”²⁷ The secretary of treasury reported that he couldn’t ascertain the age of all his clerks but that “[s]upposing the object of that portion of the resolution was to ascertain if minors were employed as clerks, [he had] the honor to state that those whose ages are not mentioned are all over 21 years of age.”²⁸

Congressional concern over cost of living

Despite the flexibility afforded to leaders, the actual rates of salary didn’t change much during this period despite a rising cost of living. In letters that the secretary of the treasury passed along to Congress in 1836, various clerks (there were 336 in Washington at the time)²⁹ expressed their dissatisfaction with their low salaries. J. Seaver, a clerk in the office of the second comptroller, passed along an accounting of his entire household budget for 1835 as a means of demonstrating how hard it was to support a family on his salary of “three grown persons, five children, and two servants,” being sure to stipulate his frugality

²⁴ Baruch, 5.

²⁵ Britannica Editors, “spoils system,” *Encyclopedia Britannica*, November 7, 2025, <https://www.britannica.com/topic/spoils-system>.

²⁶ Baruch, 4.

²⁷ *A list of the names of the Clerks employed in the Department of State, the compensation of each, etc. etc.*, 24th Congress, 1st Session, H. Doc. 248 (U.S. House of Representatives, 1836), https://www.govinfo.gov/content/pkg/SERIALSET-00291_00_00-034-0247-0000/pdf/SERIALSET-00291_00_00-034-0247-0000.pdf.

²⁸ *A statement showing the names of the clerks employed in the Treasury Department, the salary of each, etc. etc.*, 24th Congress, 1st Session, H. Doc. 251 (U.S. House of Representatives, 1836), https://www.govinfo.gov/content/pkg/SERIALSET-00291_00_00-038-0251-0000/pdf/SERIALSET-00291_00_00-038-0251-0000.pdf.

²⁹ Baruch, 2.

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by point out that “[n]either wine or spirituous liquor is used in my family, except as medicine, and I give no dinners.”³⁰ In January 1835, his household spent \$137.24 on “contingencies” and \$24.95 on clothes:

Copy from a book of expenses by J. Seaver, a clerk in the office of the Second Comptroller, for the year 1835.

Date.	For what purpose.	Contingencies.	Clothing.
January 1	Mr. Knight, for 1 firkin butter, 86 lbs.	\$17 20	
1	Marketing 25 cents, servant hire \$3	3 25	
3	George Parker & Co., for groceries, per account	47 88	
3	For articles of clothing purchased, \$9 95		\$9 95
6	Marketing 50 cents, clothing \$1, servant hire \$1	1 50	1 00
6	Do. 93 cents, gave the poor \$2 06	2 99	
8	Two hogs and two legs of mutton \$18 40	18 40	
10	Marketing \$1 45, shorts for cow \$3, servant hire \$1	5 45	
12	Marketing \$3 12, bread 15 cents; 14th, marketing \$2 98	6 10	
17	Purchases for clothing \$5, servant's wages \$3	3 00	5 00
17	Cutting hair 13 cents, flour 1 barrel, and lard \$9 48	9 61	
19	Marketing 54 cents, do. at door \$1 87½, handkerchiefs \$2 50	2 41½	
23	Purchases of clothing \$6 50, marketing 25	25	2 50
24	Marketing 67 cents, scavenger \$1, for twine 12½ cents	1 79½	6 50
26	Donohoo, for 50 lbs. of sugar \$7	7 00	
26	Marketing \$1 05, medicine 6¼ cents, tooth brush 25 cents	1 36¼	
31	Marketing \$1 50, one bushel of oysters 32 cents	1 82	
31	Meal for bread and shorts for cow	7 00	
	Amount for January	\$137 02¼	\$24 95
February 1	Pair of boots from Coyle \$3 75		\$3 75
2	Medicine 25 cents, for hair comb 50 cents	75	
3	Marketing \$5 38	\$5 38	

A group of messengers similarly requested raises because “they too, have to support and educate their families upon a small salary, one which remains about the same it was thirty-five years ago, and which they now find, owing to the increased and increasing prices of all the necessaries of life, inadequate to a comfortable support.”³²

This clamor led Congress to investigate the possibility of creating a more standard system for classifying clerks across departments.³³ A committee appointed for that purpose developed a set of principles for pay setting that began to resemble the modern system:

In estimating the allowances to this class of officers, both require the following circumstances to be considered:

- 1st. The nature of their duties.
- 2nd. Their uninterrupted occupation.
- 3rd. The high rate of prices where they are employed.

³⁰ *Report from the Secretary of the Treasury in compliance with a resolution of the Senate, relative to increase of the Salaries of Clerks, etc.*, 24th Congress, 1st Session, S. Doc 355 (U.S. Senate, 1836), https://www.govinfo.gov/content/pkg/SERIALSET-00283_00_00-017-0355-0000/pdf/SERIALSET-00283_00_00-017-0355-0000.pdf, 3.

³¹ *Id.* at 4.

³² *Id.* at 23.

³³ *Id.* at 5.

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- 4th. Their substantial exclusion from any other gainful pursuit.
- 5th. That their employment, unlike that of commercial clerks, does not furnish them with knowledge to engage in more profitable business, but rather precludes them from entering into other pursuits, by separating them from the business part of the community.
- 6th. The usual compensations for clerical services in private pursuits, say in the large banks, which, although inferior in variety and importance, perhaps bear the nearest resemblance to the clerical duties in the Departments.
- 7th. The present general prospects of all branches of persons among the people of our favored land, to whom, as their intermediate representatives, the officers of the Government should fairly exhibit some approximate resemblance, though perhaps not an equality of emolument in cases of equal capacity and industry.³⁴

Subsequently, the committee proposed a bill to create standard pay grades for clerks: first grade at \$2400, second grade at \$2100, third grade at \$1800, fourth grade at \$1500, and fifth grade at \$1200. However, this bill did not pass, and despite additional study by Congress through the end of the decade, no legislation made it through Congress that substantially acted on these recommendations.³⁵

Legislators continued to admire the problem for the next decade, nibbling only around the edges of the system and further refining their understanding of the problem, each time failing to get a bill over the finish line. For example, in 1842, the Select Committee on Retrenchment described the problem succinctly but failed to translate the critique into a law:

The salaries of clerks vary generally from \$1000 to \$2000. These seem, with few exceptions, to be arbitrarily arranged, without much reference to their respective duties. The committee regard this as a great defect in the organization of the Departments. There is necessarily a great difference in the capacity and application requisite for the faithful discharge of the duties of the clerks, and there should be a corresponding difference in their compensation.³⁶

It took ten more years, against a backdrop of escalating polarization and tensions over the future of slavery and the integrity of the union, before Congress was ready to take another swing at the problem.

Cycle 2: The first successful effort to standardize federal salaries (1853–1919)

Still grappling with the problems raised throughout the first half of the century, on March 7, 1851, the Senate passed a resolution by unanimous consent to require the cabinet to send Congress “some plan for

³⁴ *Clerks in Public Offices—Increase Pay Of. (To Accompany Bill H.R. No. 616)*, 24th Congress, 1st Session, H. Doc. 641 (U.S. House of Representatives, 1836), 8.

³⁵ Baruch, 5.

³⁶ Select Committee on Retrenchment, *Retrenchment -- Reorganization of Executive Departments*, H. Rept. 27-741 (U.S. House of Representatives, 1842), https://www.govinfo.gov/content/pkg/SERIALSET-00410_00_00-002-0741-0000/pdf/SERIALSET-00410_00_00-002-0741-0000.pdf. 18-23.

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classifying the clerks in those departments, for apportioning their salaries according to their services, and for equalizing the salaries of the clerks of the same grade in each of the departments; and also some plan to provide for a fair and impartial examination of the qualifications of clerks, and for promoting them from one grade to another upon a due regard to qualifications and services.”³⁷

About a year later, in May 1852, the secretaries of State, Treasury, Interior, War, and Navy along with the Postmaster General transmitted their reply back to Congress. The Cabinet agreed that it was important to address this issue but worried about whether the resulting solution would involve too much micromanagement from Congress. Ultimately, they couldn’t come to agreement about a single plan to recommend to Congress that satisfied these competing interests but did agree that “all the clerks at the seat of government...may be usefully classified according to service and capacity, with uniform salaries to all clerks of the same grade.”³⁸ Among the proposals, the Postmaster General’s is the most comprehensive, suggesting a six-grade system with salaries standardized by law for a series of fairly well-defined jobs: “chief clerks,” “principal clerks or chief clerks of bureaus,” “corresponding and accounting clerks,” “stating registering, and miscellaneous clerks,” “recording and letter-book clerks, and assistants to corresponding clerks” and then “copying and filing clerks.”³⁹

Finally, after another year of debate and consideration, in March of 1853, Congress succeeded in passing legislation on the topic, though it was fairly rudimentary. Tucked into the appropriations bill for 1854, they included the following language:

SEC. 3. And be it further enacted, That from and after the thirtieth of June, eighteen hundred and fifty-three, the clerks in the Departments of the Treasury, War, Navy, the Interior, and the Post-Office, shall be arranged into four classes, of which class number one shall receive an annual salary of nine hundred dollars each, class number two an annual salary of one thousand two hundred dollars each, class number three an annual salary of one thousand five hundred dollars each, and class number four an annual salary of one thousand eight hundred dollars each.⁴⁰

While most people situate the Pendleton Act of 1883 as the beginning of the modern civil service, in many ways this bill laid the foundation for what would come later. In addition to establishing standard pay grades across the government and bringing back a version of the statutory roll (e.g., “And in the office of the Light-house Board, one of class one, one of class two, and two of class three.”),⁴¹ Congress also added a requirement that each agency create boards to examine candidates for employment and decide whether they were suitable for appointment and provided agency heads with the flexibility to

³⁷ “Friday, March 7, 1851,” in *Journal of the Senate of the United States, 1851* (United States Senate), <https://www.congress.gov/senate-journal/22838/image>.

³⁸ *Report of the Secretaries of the Treasury, of the Interior, of War, of the Navy, and of the Postmaster General, Made in Compliance with a Resolution of the Senate, in Relation to the Examination, Promotion, Classification, and Compensation of the Clerks in the Several Departments.*, S. Doc. No. 69 (Washington, DC, 1852), https://www.govinfo.gov/content/pkg/SERIALSET-00620_00_00-015-0069-0000/pdf/SERIALSET-00620_00_00-015-0069-0000.pdf.

³⁹ *Id.*

⁴⁰ An Act Making Appropriations for the Civil and Diplomatic Expenses of the Government for the Year Ending the Thirtieth of June, Eighteen Hundred and Fifty-Four., 10 Stat 189 (1853), <https://tile.loc.gov/storage-services/service/l1/llsl/llsl-c32/llsl-c32.pdf#page=211>. 209-210.

⁴¹ *Id.*

move positions around inside of their bureau or department “if he should find it necessary and proper to do so.”⁴² In particular, this requirement for entry examination begins to gesture at the idea of merit-based hiring that underpin future reform efforts.

However, despite all the discourse on horizontal pay equity based on job duties, the final version that passed Congress still did not make an attempt to define what responsibilities, knowledge, or experience might distinguish one class of clerk or another other than salary expectation.⁴³ It also did not address the concerns raised by “subclerical” staff like messengers or watchmen, whose rates of pay fluctuated until they were codified in 1856.⁴⁴ Additionally, the bill also did not provide for any kind of central coordinating authority to oversee implementation of these grades, nor did it have any kind of mechanism to update the salaries attached to each grade.⁴⁵ In effect, it was only half of a thoughtful classification system: it standardized pay but didn’t standardize jobs in any meaningful way.

Congress did make an adjustment in the following year, bumping salaries up slightly and adding a catch-all provision that anyone not otherwise covered by the system should receive salaries equal to covered clerks with similar job duties,⁴⁶ but did not make many subsequent changes. In fact, the four grades defined in 1853 roughly formed the basis for much of the federal government’s pay systems all the way through the 1920s. This was not by accident: in 1855, the State Department was brought into the system⁴⁷ as was the Department of Justice (DOJ) after it was created in 1870.⁴⁸

The Grant Civil Service Commission

After the Civil War, as the federal government continued to grow and reformers agitated against the spoils system, Congress took the first action to establish a permanent administrative personnel function and took a few more steps towards the merit system. In March of 1871, with support from President Grant, a last-minute rider⁴⁹ in an annual appropriation bill granted the president the authority to appoint a team to draft civil service rules.⁵⁰

⁴² Id.

⁴³ *Closing Report of Wage and Personnel Survey*, 3-4.

⁴⁴ Joint Resolution Giving an Increased Compensation to All Laborers in the Employment of the Executive and Legislative Departments of the Government in the City of Washington., 11 Stat 145 (1856), <https://tile.loc.gov/storage-services/service/l1/l1sl/l1sl-c34/l1sl-c34.pdf#page=167>.

⁴⁵ Baruch, 12.

⁴⁶ An Act to Amend the Third Section of “Act Making Appropriations for the Civil and Diplomatic Expenses of Government for the Year Ending the Thirtieth of June, Eighteen Hundred and Fifty-Four,” and for Other Purposes., 10 Stat 276 (1854), <https://tile.loc.gov/storage-services/service/l1/l1sl/l1sl-c33/l1sl-c33.pdf#page=12>.

⁴⁷ An Act Making Appropriations for the Civil and Diplomatic Expenses of Government, for the Year Ending the Thirtieth of June, Eighteen Hundred and Fifty-Six, and for Other Purposes, 10 Stat 643, 669 (1855), <https://tile.loc.gov/storage-services/service/l1/l1sl/l1sl-c33/l1sl-c33.pdf#page=379>.

⁴⁸ Revised Statutes of the United States Passed at the First Session of the Forty-Third Congress, 1873-1874, Title IV, Section 158 25 (1875), <http://archive.org/details/revisedstatutes01statgoog>.

⁴⁹ An Act Making Appropriations for Sundry Civil Expenses of the Government for the Year Ending June Thirty, Eighteen Hundred and Seventy-Two, and for Other Purposes, 15 Stat 495, 514 (1871), <https://tile.loc.gov/storage-services/service/l1/l1sl/l1sl-c41/l1sl-c41.pdf#page=531>.

⁵⁰ Carl Russell Fish, *The Civil Service and the Patronage* (Longmans, Green, and Company, 1905), 214.

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By December of 1871, President Grant and the CSC had crafted a set of “rules for the civil service” that provided for (among other things) a process for “group[ing] positions in each branch of the civil service according to the character of the duties to be performed” and grading “each group from lowest to highest for the purpose of promotion within the group.”⁵¹ Interestingly, at the time, they also required that any new hires into the federal government entered only at the *lowest grade* and all higher graded roles be selected by competition among those under them, under the idea that this would support merit promotion and frustrate attempts to install unqualified partisans.⁵²

Work began toward this end but, because Congress had not provided any additional authority to set pay or create new classes, the scope was mostly limited to sorting roles into the same classes established in 1853. The Commission, which didn’t have a permanent staff or office, had to borrow them from other departments to do this work.⁵³ However, “[a]lthough Grant’s Civil Service Commission had done a remarkable piece of work, considering its scanty resources, and had received praise from administrative officials, the press, and the public, Congress had become increasingly indifferent, if not hostile, to the Commission’s work.”⁵⁴ In 1874, Congress declined to continue appropriating money for the Commission and its work wound down shortly thereafter.

The Pendleton Act

Reformers did not give up, however, and continued to agitate for more thoughtful personnel management in the executive branch. Finally, in 1883, Congress passed the Pendleton Act which created a permanent Civil Service Commission (CSC) and required that roles in the “classified service” conform with the new merit system for selection. Under these rules, “classifying” a position came to have two meanings: it included the historical sense of trying to sort out job duties and equalize pay based on them, but it also meant that this was a necessary condition for bringing that role into the merit system. This echoed the same logic from the prior law, which required examination for appointment of clerks into the four classes it established in the 1850s.

In general, the new merit rules applied first to the roles that had already been “classified” over the previous three decades but Congress also granted the executive branch flexibility to create new classes of clerks both above and below the four from 1853. For the “classification of officers not heretofore classified” Congress mandated:

That from time to time, said Secretary, the Postmaster-General, and each of the heads of departments [as specified in revised statutes] and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far

⁵¹ Ulysses S. Grant, “Message on Civil Service Reform,” to Congress, December 19, 1871, <https://millercenter.org/the-presidency/presidential-speeches/december-19-1871-message-civil-service-reform>.

⁵² *The Report of the Commission Appointed to Devise Rules and Regulations for the Purpose of Reforming the Civil Service.*, 42nd Congress, 2nd Session, Senate Ex. Doc 10 (U.S. House of Representatives, 1871). 13.

⁵³ Taylor, *History of the Federal Civil Service*, 43.

⁵⁴ *Id.* at 44.

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as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.⁵⁵

In effect, this granted additional flexibility to agency heads to create their own, new classes of jobs but kept them anchored on the four classes as before (and, as a result, the same salary levels and some historical choices about which roles were in which class). This meant that the Pendleton Act, while having mostly succeeded in yanking the civil service towards a nonpartisan merit system, made the classification and compensation system *more arbitrary* and *less standard*. Soon after, the CSC's annual reports start pointing out the limitations of this system:

The practical results [of the system from 1853] are that officials in the different Departments, doing the same kind of quality of work, sometimes have very different salaries. Such was the condition when the Civil Service Act [of 1883] was passed, and Congress has not provided a remedy. That act did not undertake to deal with salaries. Neither the Commission nor the President has any authority to make salaries just for the work done or uniform for doing the same work. Congress alone has authority in such matters.⁵⁶

This same concern was also echoed by Congress in a report from the Select Committee on Reform in the Civil Service, which concluded that pay inequity “of course, should be remedied as far as possible”⁵⁷ but did not succeed in passing legislation to address it.

However, agencies began to use their newfound flexibility to find ways to navigate the lack of Congressional action to update the salary system. In 1883 and 1884, the Secretary of the Interior, for example, split the first class into subdivisions A and B for clerks receiving \$1,000 and “copyists” respectively making either \$900 or \$720 while also creating “Class A” for everyone else not otherwise employed as a clerk or copyist at the Department. Similarly, the Secretary of War created several new classes to wrap around the four statutorily defined ones from 1853 when he brought all civilians besides laborers, messengers, and watchmen into the system:

Class A, those having an annual compensation exceeding \$2,000.

Class B, those having an annual compensation of \$2,000.

Class 4, those having an annual compensation of \$1,800.

Class 3, those having an annual compensation of \$1,600.

Class 2, those having an annual compensation of \$1,400.

Class 1, those having an annual compensation of \$1,200.

Class C, those having an annual compensation of \$1,000.

⁵⁵ An Act to regulate and improve the civil service of the United States, January 16, 1883; Enrolled Acts and Resolutions of Congress, 1789-1996; General Records of the United States Government; Record Group 11; National Archives, Section 6, 3rd. Clause.

⁵⁶ *Third Annual Report of the United States Civil Service Commission - January 16, 1885 to January 16, 1886*, (U.S. Civil Service Commission, 1886). 11.

⁵⁷ Select Committee on Reform in the Civil Service, *Classification and Compensation of United States Civil Officers*, Report No. 1303 (U.S. House of Representatives, 1886).

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*Class D, those having an annual compensation of \$900 and under.*⁵⁸

Additionally, as agencies got more complex and new types of technical roles proliferated, Congress began also providing “lump-sum” appropriations for those jobs, which were neither clerical nor manual and didn’t fit into the categories it had long defined in statute. These roles, like translators, soil surveyors, draftsmen, civil engineers, etc. were paid at rates totally up to the discretion of agencies.⁵⁹ The Department of the Navy, for example, maintained lists of roles like stenographers, telegraph operators, engravers, and “assistant astronomers” who were paid between \$1,500 and \$1,900.⁶⁰

At the time, the CSC judged this proliferation of different approaches to be both a legal outcome of the way the Pendleton Act was written but also potentially problematic, writing after just four years that “[t]his diversity of classification in the departmental service makes the civil-service rules operate unevenly—makes them one thing in one department and something else in another department,”⁶¹ and went on to propose again creating a single system that applied evenly.

The following year, at CSC’s urging, President Cleveland signed an executive order⁶² that streamlined most of these unique approaches into “three branches or parts, viz, ‘the departmental service,’ the ‘customs service,’ and the ‘postal service.’”⁶³ The “departmental service” covered most of the administrative work performed by the government and wrapped the four historical classes in five low-level pay rates (Classes A, B, C, D, and E) on the bottom and a fifth class (Class 5). Meanwhile, the postal service had just the four original classes and the custom service had the four original classes and a fifth lower one (Class A).⁶⁴

However, again, this system continued to self-consciously only focus on defining the various *possible* salaries and did not provide agencies with any guidance about what duties or responsibilities distinguished one class from another or one profession from another. It also did not structure pay for other types of more technical or scientific work that continued to grow in importance and prominence. There continued to be widespread acknowledgement that this was a problem but no real suggestion about how to solve it.

⁵⁸ U.S. Civil Service Commission, *Fourth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1887), 107.

⁵⁹ U.S. Civil Service Commission, *Nineteenth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1902), 173-174.

⁶⁰ *Id.* at 108.

⁶¹ *Id.* at 117.

⁶² Grover Cleveland, “Executive Order 227,” The American Presidency Project, March 1, 1888, <https://www.presidency.ucsb.edu/documents/executive-order-227>.

⁶³ U.S. Civil Service Commission, *Fifth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1888), 41-44.

⁶⁴ *Id.*

Comprehensive reform proposals take shape

In the 19th annual report of the CSC (1901-1902), the commission again included a now-familiar criticism of the system, writing that “[a]n attempt should be made to secure uniformity among the different branches of the services, to make compensation correspond to duties uniformly in the Government service, so that compensation will be uniform for doing work of the same kind.”⁶⁵ The report goes on to show in painstaking detail the inequities of pay across government through a series of tables, noting for instance that while most watchmen were paid \$720, one lucky watchman was paid \$900 and four unlucky ones were paid just \$600. Tucked into this report, however, they make a proposal for a rudimentary system to equalize pay across the federal government:

The following is given as a suggestion for classification of positions according to duties performed, by grades indicating the character of such duties. Each grade could be divided into a senior and junior grade, which would allow any position to be properly classified.

GRADE A. – Executive positions: Chief clerks, chiefs of division, their assistants, etc.

GRADE B. – Technical positions: Civil and electrical engineers, superintendents of construction, architectural designers, draftsmen, mechanics, patent examiners, nautical experts, etc.

GRADE C. – Professional positions: Attorneys, law clerks, physicians, veterinarians, etc.

GRADE D. – Scientific positions: Physicists, chemists, biologists, zoologists, agrostologists, computers, and all other scientific experts or investigators.

GRADE E. – Librarians, editors, editorial clerks, cataloguers, proof readers, statisticians, translators, etc.

GRADE F. – Executive clerks: All clerks acting as chiefs of sections or engaged on work requiring original thought, research, or investigation, disbursing clerks, custodians of buildings, etc.

GRADE G. – Clerks: All clerical assistants engaged on work requiring care, judgment, and accuracy, including stenographers, typewriters, bookkeepers, etc.

GRADE H. – Writers or copyists: All clerical assistants engaged upon routine work.

GRADE I. – Trades positions: Compositors, pressmen, bookbinders, engineers, firemen, carpenters, plumbers, etc.

GRADE J. – Watchmen, messengers, elevator conductors, and other low-grade positions involving personal responsibility.

*GRADE K. – Skilled laborers.*⁶⁶

In this proposal, the CSC began to tackle one of the hardest problems in establishing a standardized pay system: equating roles with different skills to one another. For example, they suggest that veterinarians and attorneys (who have fundamentally different skills and mutually exclusive labor markets) are similar enough to warrant equal pay but different enough from a bookkeeper or translator to merit different pay. They also attempted to put these roles into a kind of hierarchy to determine which might pay more and which might pay less.

⁶⁵ *Nineteenth Report of the United States Civil Service Commission*, 173-174.

⁶⁶ *Id.* at 175-176.

This proposal, however, was not implemented.

The Keep Commission

In 1905, President Theodore Roosevelt, who had served as a CSC commissioner from 1889 to 1895, became concerned about the federal government's administrative capacity and formed "The Committee on Departmental Methods" "to investigate and find out what changes are needed to place the conduct of the executive business of the Government in all its branches on the most economical and effective basis in the light of the best modern business practice."⁶⁷ The "Keep Commission," as it became known, launched a series of projects to evaluate various aspects of federal management, like records management, purchasing, and accounting.⁶⁸ One of their signature projects, however, was a review of the classification and pay system.

On January 4, 1907, the Keep Commission sent the President their final report on "Classification of Positions and Gradation of Salaries for Employees of the Executive Departments and Independent Establishments in Washington" that also made an attempt to propose a more comprehensive system. This system divided the federal workforce into several categories: sub-clerical grades (unskilled labor, messengers, watchmen, etc.), clerical grades (underclerks, junior clerks, senior clerks), supervisory grades (chiefs of divisions). It did not attempt to define salaries for professional, technical, and scientific employees nor did it consider how to pay skilled tradesmen other than to state that "whatever salaries are determined upon should conform to the grades fixed in the schedule."⁶⁹ The Commission also recommended that a more permanent committee be constituted on an ongoing basis to examine and equalize salaries in future years.

President Roosevelt then ordered the creation of this "Committee on Grades and Salaries" in 1907 and it set about creating "estimates for presentation to Congress, in convenient form" to illustrate what might happen if the Keep Commission's recommendations were adopted.⁷⁰ The Committee produced reports to that effect in 1908 and 1909, which the President transmitted to Congress and asked for authority to implement,⁷¹ having directed agencies to do their best to implement it "in the absence of action by Congress on the general subject" in 1908.⁷² Congress eventually did consider a bill that would enable these reforms in 1910,⁷³ but Congressional interest was generally cool to many of the reforms proposed

⁶⁷Harold T. Pinkett, "The Keep Commission, 1905–1909: A Rooseveltian Effort for Administrative Reform," *The Journal of American History* 52, no. 2 (1965): 297–312, 300 <https://doi.org/10.2307/1908809>, 300.

⁶⁸ Id.

⁶⁹ *Report to the President by the Committee on Departmental Methods: Classification of Positions and Gradation of Salaries for Employees of the Executive Departments and Independent Establishments in Washington* (Committee on Departmental Methods (Keep Commission), 1907).

⁷⁰ Theodore Roosevelt, "Executive Order Establishing a Committee on Grades and Salaries in the Executive Departments," June 11, 1907.

⁷¹ Committee on Grades and Salaries, *Estimates for Salaries in the Executive Departments and Establishments*, S. Doc. 638 (Washington, DC, 1908), <https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t2s47cn8f&seq=13>.

⁷² Theodore Roosevelt, "Executive Order Ordering Heads of Executive Departments to Arrange Salaries to Conform to Recommendations of Committee on Grades and Salaries," May 13, 1908.

⁷³ Baruch, 31-32.

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by the Keep Commission and this proposal too did not pass.⁷⁴ President Taft convened a similar Commission in 1910, the “Commission on Economy and Efficiency” which explored many of the same topics but similarly failed to produce any successful legislation that codified prior work.⁷⁵

In 1912, however, Congress finally acted by creating a “Division of Efficiency” within the CSC that was tasked with evaluating several broad areas of government management efficiency. Among their projects was developing one of the first uniform performance rating schemes and, along with it, a rudimentary pay-for-performance model.⁷⁶ However, this model (like all others) required defining a benchmark of “normal” performance for a given job – and thus required some kind of standard occupational classification system to be put into place that defined each job’s duties and expectations. In other words, “[e]mployees should be paid according to standards fixed for the class of work they do and according to the quantity and quality of work which they perform.”⁷⁷ The Division, which became the independent Bureau of Efficiency in 1916, set about coming up with such standards, but did not get very far before world events intervened.

World War I

When World War I broke out in the summer of 1914, there were about 480,000 federal employees in the federal government, about 60% of which were in the competitive civil service.⁷⁸ By the time the war concluded in late 1918, that number had grown to over 900,000 amid the need to manage and mobilize the nation. Following demobilization, the workforce shrank but did not return to its pre-war levels: by 1920, it sat at about 600,000 people, owing to the expansion of programs like veteran support and new tax collection⁷⁹ roles made possible by the legalization of the federal income tax in 1913 following ratification of the 16th amendment.⁸⁰

During the war, both the CSC and the Bureau of Efficiency were primarily preoccupied with supporting the mechanical day-to-day needs of agencies that had to both rapidly scale up to respond to new mission needs and also to replace existing civil servants who were called up to fight in Europe. As a result, many of the cross-government efforts to develop a more standardized position classifications system were put on hold. Additionally, to alleviate bottlenecks in the hiring process, agencies were granted significant flexibility to make hires without regard to the regular civil service rules—a condition that the CSC complained about after the fact as improper and inconsistent with some aspects of the merit system.⁸¹ But largely, the civilian personnel system weathered World War I by waiving rules and allowing agencies the flexibility to define jobs and spend on salaries however the agency determined was necessary to support

⁷⁴ Pinkett.

⁷⁵ Baruch, 33-34.

⁷⁶ Taylor, *History of the Federal Civil Service*, 84.

⁷⁷ *Report of the United States Bureau of Efficiency for the Period From November 1, 1919 to October 31, 1920* (United States Bureau of Efficiency, 1920), <https://hdl.handle.net/2027/mdp.39015033167951>. 12.

⁷⁸ U.S. Civil Service Commission, *Thirty-First Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1914).

⁷⁹ U.S. Civil Service Commission, *Thirty-Eighth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1921), viii-ix.

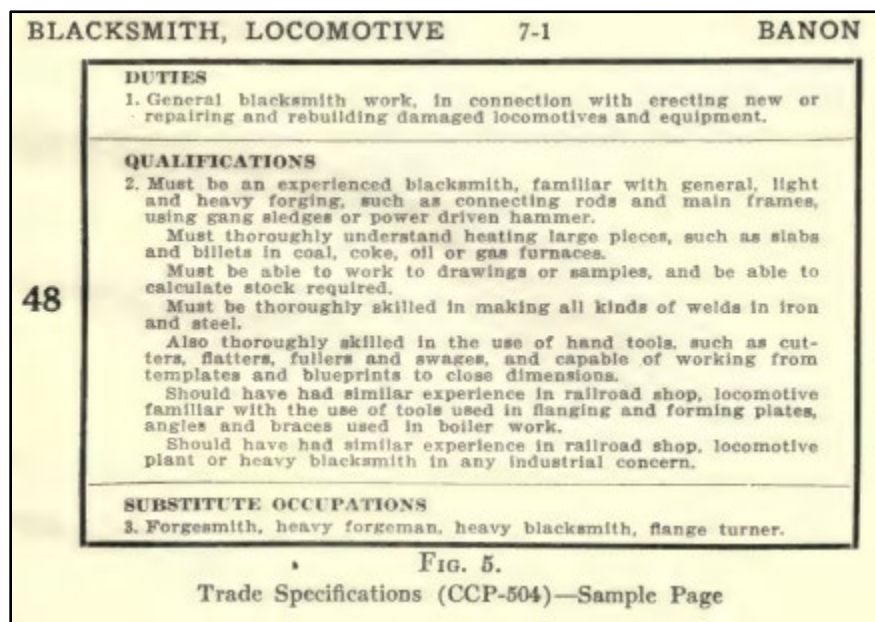
⁸⁰ U.S. Constitution, amend. XVI, <https://constitution.congress.gov/constitution/amendment-16/>.

⁸¹ U.S. Civil Service Commission, *Thirty-Sixth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1919), vii-viii.

the war effort. This resulted later in significant criticism that “war-expanded” departments were inequitably grading and compensation jobs in excess of what other agencies were legally allowed to do for their similarly situated workforces.⁸²

The Army’s wartime classification system

The military, however, responded differently to the crushing need for quick deployment of personnel during the war. The Department of the Army—then still known as the Department of War and separate from the Department of the Navy—in particular adopted a brand-new system of personnel classification in response to the needs of a modern total war. In the run-up to the war, “no provision had been made for any specialized responsibility for the wise assignment of the recruits according to their value to the different branches of the service”⁸³ and this was deemed to be a problem once the war started and the Army had a need to quickly match talent with positions. To solve this problem, the Army decided that its approach to personnel administration “[i]n the phraseology of industrial organization, it must be functionalized”⁸⁴ or, to put it more simply, put into a thoughtful and purposefully designed classification system. This system, which was perhaps the first such system deployed at a large organization in the country, was relatively revolutionary for its time.⁸⁵



⁸² *Report of the Congressional Joint Commission on Reclassification of Salaries: Submitting a Classification of Positions on the Basis of Duty and Qualification, and Schedules of Compensation for the Respective Classes*, H. Doc. 686 (Congressional Joint Commission on Reclassification of Salaries, 1920), 36.

⁸³ *The Personnel System of the United States Army: History of the Personnel System*, Volume I (Committee on Classification of Personnel in the Army, 1919), 4.

⁸⁴ *Id.* at 3.

⁸⁵ Paul Van Riper, *History of the United States Civil Service* (Row, Peterson and Company, 1958), 252.

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In this model, the Army sought to standardize job titles, duties, and essential qualifications into indexes, tables, and job descriptions to provide officers with “a common language, a working basis of standard terminology.”⁸⁶ These were paired with rudimentary “Soldiers Qualification Cards” which were populated by commanders after interviewing personnel about their prior experience, qualifications, language skills, education, etc. that were supposed to help match recruits to newly-standardized jobs. Interestingly, these cards were also “tabbed” to denote relative differences between a recruit’s skills: green tabs for skills judged to be at the “journeyman” level and most “useful to army,” black for journeyman-level skills that were of lower usefulness, and orange for “apprentice” level experience.⁸⁷

SOLDIERS' QUALIFICATION CARD

Name: **Smith, John Roy**, 1893, 421, Sergeant, 1st Cl.

Main Occupation: **Telephone expert** (Symbol A 12 32tc)

Just what did you do? **Supervised maintenance and erection of overhead and underground wires**

Firm worked for? **Bell Telephone Co.** (Kind of Business: Telephone)

Address of Firm? **Philadelphia** (Weekly Wages: 4.5)

Age: 30, Height: 5'10", Weight: 160 lbs., Race: W

Symbol Rating: 32tc E, 10.00 J, 22m A

Trade Tests Recommendation: **Supervisor of erection work**

Check once / occupations in which he has some knowledge and ability; check twice / / occupations at which he is skilled. After each checked occupation write number of years of experience. Put a circle around years of minor concurrent occupation.

1 Factory worker.....	19 Sheet metal worker.....	34 Photographer, still or moving.....	61 Airplane mechanic.....	75 Laundry man.....
2 Farmer.....	20 Foundryman.....	35 Lumberman.....	62 Architect.....	76 Metal finisher.....
3 Laborer.....	21 Structural steel w'k.....	36 Boatman, mariner.....	63 Artist (camouflage).....	77 Mule packer.....
4 Lawyer, teacher.....	22 Chauffeur-auto.....	37 Accountant.....	64 Bacteriologist.....	78 Munitions worker.....
5 Business man.....	23 Chauffeur-truck.....	38 Clerical worker.....	65 Boiler maker.....	79 Physicist.....
6 Machinist.....	24 Auto mechanic.....	39 Stenog., typist.....	66 Canvas worker.....	80 Pigeon fancier.....
7 Blacksmith.....	25 Gasoline engine repair-man (not auto).....	40 Baker or cook.....	67 Chemist.....	81 Plasterer.....
8 Carpenter.....	26 Bricklayer.....	41 Butcher.....	68 Civil Engineer.....	82 Purchasing agent.....
9 Concrete worker.....	27 Horse, care of.....	42 Merch't, job'r, wholes'r.....	69 Compressed air oper.....	83 Refrigeration man.....
10 Electrician.....	28 Farrier, veterinarian.....	43 Medical man.....	70 Cooper.....	84 Rigger worker.....
11 Gunsmith.....	29 Draftsman.....	44 Band musician.....	71 Crane operator.....	85 Rubber worker.....
12 Miner.....	30 Surveyor.....	45 Barber.....	72 Detective, policeman.....	86 Sanitarian.....
13 Painter.....	31 Telegrapher, including wireless.....	46 Printer.....	73 Fire Dept. man.....	87 Transportation man.....
14 Pipe fitter.....	32 Lineman.....	47 Leather worker.....	74 Gas plant worker.....	88 Upholsterer.....
15 R. R. operating man.....	33 Telephone operator or repairman.....	48 Tailor.....	75 Heating engineer.....	89 Water supply man.....
16 Road worker.....		49 Inspector.....	76 Hydraulic engine oper.....	90 Welder.....
17 Engineman, fireman.....		50 Construction foreman.....	77 Instrument repairer.....	91 Writer.....
18 Stock keeper.....				

Details of Best Occupation: **Electrician** (Symbol A 10.00), **Motorcyclist** (Symbol A 22m E)

FIG. 1. Soldiers' Qualification Card—Face (6-1-18 Edition) (Original Size 5x8)

Following both the reasonably-successful adoption of military classification systems and renewed interest by the Bureau of Efficiency and CSC after the war, the decades-long movement towards a standard civilian classification system finally began to gain traction towards the end of the 1910s and early 1920s. The result was the first comprehensive classification law, which tackled both job definition and compensation, in 1923.

⁸⁶ *The Personnel System of the United States Army*, 13.

⁸⁷ *Id.* at 158-159.

Cycle 3: Comprehensive Reform - The Classification Act of 1923 (1920–1948)

In the appropriations bill for 1919, as part of a seemingly endless cycle of legislative inquiry into a new classification system, Congress passed a joint resolution that created a Joint Commission on Reclassification of Salaries. With a deadline to provide Congress a report by the second Monday in January, 1920, the commission's job to "investigate the rates of compensation paid to civilian employees...and report [] what reclassification and readjustment of compensation should be made so as to provide uniform and equitable pay for the same character for employment..."⁸⁸ With recommendations from the Bureau of Efficiency, this commission produced a similar report to its many predecessors with a few important distinctions.

First, the report exhaustively produced a complete, comprehensive classification system that outlined every possible job in the federal government down to specific duties. Rather than focusing generally on clerks or categories of technical staff as prior efforts had, the Commission's classification system is the first that resembles the modern occupational system that the federal government retains today: it was divided up into 3 general categories and 44 "services" or job families that grouped like jobs together by function. The first category, which was composed of clerical and office jobs, included services like "Telephone and Telegraph Operating," accounting, mail operations, typists, and administrators. The second, which focused on skilled trades, included firefighting, policing, printing, maintenance, and custodial services. Finally, the third category included scientific, technical, and professional work like actuaries, scientists, teachers, libraries, nurses, economists, etc. For each of these services, again for the first time, the Commission defined a short list of duties, proposed salary levels, and also career paths that described what jobs someone might be promoted from and then into from that job. For example, the Commission defined the "Assistant Social Economist" within the "Social Science Service" in the following way:

⁸⁸An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, Pub. L. No. 65-314, 40 Stat. 1213, 1269 (1919).

<p>TITLE OF CLASS: ASSISTANT SOCIAL ECONOMIST</p> <p style="text-align: center;">Specifications of Class</p> <p>Duties: Under direction, to collect, analyze, and digest data in connection with sociological or industrial investigations or research; to conduct minor investigations or research in this field; to assist in writing reports, handling correspondence, and classifying questionnaires and schedules; and to perform other field and related work as required. Examples: Conducting field investigations on various phases of labor law administration; supervising and coordinating legislative research work dealing with child welfare; investigating and making recommendations as to the working conditions of Government women employees; preparing questionnaires and planning surveys of minor social problems.</p> <p>Qualifications: Training equivalent to that represented by graduation with a degree from an institution of recognized standing, with specialization in social economics, and by one year's graduate work in this field; and not less than two years' practical experience in research in social economics.</p> <p style="text-align: center;">Principal Lines of Promotion</p> <p>From: Junior Social Economist. To: Associate Social Economist.</p> <p style="text-align: center;">Compensation for Class</p> <p>Annual: \$2400-\$2520-\$2640-\$2760-\$2880-\$3000</p>
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In addition to this system, another innovation from the commission was the insistence that Congress delegate the authority to administer this system to a central agency that would maintain this complex classification system, periodically recommend adjustments to Congress, determine exact pay grades for individuals, add new classes when necessary, etc.⁸⁹ This reflected a growing understanding that, as the government got more complex and positions became more specialized, Congress alone could not manage the monumental task of originating legislation and guidance for the personnel system. The CSC, as the report suggested was “logically and preferably” the right home for these new executive branch functions as an independent agency. The CSC would be empowered to work with agencies to define jobs, classify them, and set standards for management that agencies would apply to their staff – another innovation which, for the first time, suggested that a central agency (the CSC) should be able to make final decisions about what jobs other agencies offered rather than merely prescribe standards and facilitate recruitment.⁹⁰

Finally, the Reclassification Commission also offered a set of recommendations about other working conditions that they felt had a bearing on the attractiveness of public service. These included suggesting uniform rules for overtime compensation, night work, etc. as well as standardization of working hours and the adoption of an annual leave scheme that granted 2.5 days of leave per month and 10 days of sick leave per year.⁹¹

⁸⁹ *Report of the Congressional Joint Commission on Reclassification of Salaries: Submitting a Classification of Positions on the Basis of Duty and Qualification, and Schedules of Compensation for the Respective Classes*, 22-25.

⁹⁰ Baruch, 48.

⁹¹ *Id.*

Importantly, the commission also emphasized that all of their recommendations were “based on the theory that there shall be no discrimination in the Government service on account of sex, and that men and women should receive equal pay for work requiring equal skill, training, or education; in addition, that the door of promotion should be opened impartially to the members of both sexes.”⁹² This statement coincided with the separate effort, at that point still ongoing, to ratify the Nineteenth Amendment to the Constitution that granted women the right to vote and reflected a new focus on equal treatment by the federal government on the basis of sex.

Taken together, the Commission argued that each stakeholder group would benefit from such reforms: Congress would have confidence that salaries were fair and equitable across agencies as well as a reliable way to estimate costs, agencies would have “permanent relief from the confusion resulting from the variations in salary scales” as well as “a means of expressing their exact organizational needs” to Congress and the CSC, employees would have “uniform justice in the relation between the compensation they receive and the value of their work,” and the public would be confident that the Government was operating fairly.⁹³ In sum, the Commission was “convinced that the personnel policies proposed will insure to the Government a maximum return in loyal and efficient service for its pay-roll expenditures and will make the public service attractive as offering real opportunity for a worth-while career.”

The Classification Act of 1923

Following submission of the Commission’s 884-page report to Congress in March of 1920, Congress began debating and shaping successive legislative proposals through the early 1920s. Eventually, these efforts culminated in the Classification Act of 1923,⁹⁴ which was based in large part on the recommendations in the report with some important changes. The general plan established by the Act created 6 broad “services” (rather than the 44 specific ones in the Commission's plan) that each had several pay grades, including the:

- Professional and Scientific Service, which had seven pay grades ranging from \$1,860 for junior clerks to \$7,500 for bureau chiefs;
- Subprofessional Service, which had eight grades ranging from \$900 for entry-level assistants to \$3,000 for senior support staff;
- Clerical Administrative and Fiscal Service, which had fourteen grades ranging from \$1,140 for simple office support work to \$7,500 for senior executives;
- Custodial Service, which had ten grades ranging from \$600 for entry level custodians to \$3,000 for chief custodians; and
- Clerical-Mechanical Service, which had five grades ranging from 45-50 cents per hour for entry level office machine operations (e.g., printers, mail room staff, etc.) to \$3,600 per year for administrators of the same.⁹⁵

⁹² *Report of the Congressional Joint Commission on Reclassification of Salaries: Submitting a Classification of Positions on the Basis of Duty and Qualification, and Schedules of Compensation for the Respective Classes*, 14.

⁹³ *Id.* at 27.

⁹⁴ Classification Act of 1923, Pub. L. No. 67-516, 42 Stat. 1488 (1923).

⁹⁵ *Id.* at 1491-1499.

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The law also created the Personnel Classification Board (PCB) to oversee the assignment of roles to specific grades within each service via a mechanism called “allocation.” The board was Chaired by the Director of the Bureau of the Budget, and also included a member of the CSC as well as the Chief of the Bureau of Efficiency but did not receive any direct appropriations to complete its work until 1930. This PCB’s role, which in some ways mirrored the role the Commission had suggested for the CSC, was to review and revise classification decisions made by agencies to ensure that similar roles were similarly defined and graded at various departments, in line with the newly-codified value of “**equal compensation for equal work irrespective of sex**”⁹⁶ which was to be instituted across the executive branch. Further, it provided some rules for individual pay setting, such as instructions for transitioning staff who were paid higher or lower than their new grade, prohibitions on reducing the compensation of Civil War veterans or their widows during grading, and that employees who were highly rated by their managers could have their salary increased within the established grades, among others.⁹⁷

To support the core work of defining positions and placing them into appropriate services and grades, the PCB created a series of “class specifications” which were defined as “a formal statement of the duties and responsibilities of the positions in one class illustrated by examples of work performed (typical tasks or typical positions in the class) and of the qualification requirements of the positions in the class, such class specification to serve as a definition of the class title, as a guide for the allocation of positions to the class, as a guide for deciding upon the relative compensation for the class, and as a basis for devising tests of fitness.”⁹⁸

The PCB produced these specifications by studying jobs, conducting surveys, and interviewing staff in an attempt to systematize the specific jobs in ways that would enable them to uniformly make decisions. Interestingly, these specifications were meant to encompass both general categories of jobs that “may contain several thousand individual positions”⁹⁹ like typists or stenographers as well as positions that had only one possible incumbent. This meant that, during the years while this system was in operation, the PCB (and then later the CSC when it took over this function) produced *thousands* of classification specs for jobs all across the government, all the way from the most general to highly-specific, senior, single-occupant jobs. For example, a 1928 set of draft specifications includes this description for the head of the Bureau of the Budget, the predecessor to the modern Director of the Office of Management and Budget:¹⁰⁰

⁹⁶ Id. at 1489.

⁹⁷ Id. at 1490.

⁹⁸ *Besters*, 86-87.

⁹⁹ Id.

¹⁰⁰ “Tentative Class Specification (Departmental) For the Clerical, Administrative, and Fiscal Service,” Personnel Classification Board, 1928, 47.

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TITLE OF CLASS:	DIRECTOR OF THE BUDGET	CAF-14
NOTES AND RESPONSIBILITIES:	To serve as the administrative head of the Bureau of the Budget; to exercise broad supervisory jurisdiction with respect to the management and control of the business and general activities of the Bureau of the Budget; to outline, establish, and execute general plans and policies governing the administration of Bureau affairs; to direct the preparation of the annual budget of the Federal government and such supplemental or deficiency estimates as the President may from time to time recommend to Congress; to have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments and establishments; when directed by the President, to make detailed studies of the various departments and establishments for the purpose of enabling the President to determine what changes should be made in the interest of economy and efficiency in (1) The existing organization of activities, (2) The appropriations therefor, (3) The assignment of particular activities to particular departments, or (4) The grouping of services; and to perform related work as assigned.	
MINIMUM QUALIFICATIONS:	Training equivalent to that represented by graduation from a college or university of recognized standing, preferably with major work in finance or business administration, or with a degree from a recognized law school; extended administrative experience in Government, commercial, or professional activities involving unusually responsible problems of business management and fiscal control; thorough knowledge of the organization of the Treasury Department and of the structure of the Government; intimate knowledge of the laws relating to appropriations, estimates, expenditures, and accounting of the various departments and independent establishments of the Government; preferably some familiarity with Civil Service Laws and Regulations; executive qualifications and administrative ability of the highest order; personal fitness and good address for conferring with Government officials and professional and business representatives.	

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Once these class specifications were designed, it was the responsibility of the Board to review any new individual position proposed by an agency and determine which of the class specifications it most closely aligned with. This, in turn, would dictate the pay rate for the job, ensuring some degree of objectivity and equalization between similar positions. **In effect, this was the first time that there was a real process for ensuring that, across government, there was equal pay for equal work based on job duties.**

Under this system, any agency hiring for a job under this scheme had to receive explicit preapproval from the PCB prior to formally filling the position. The basic process for creating a new position was:¹⁰²

1. An agency would contemplate creating a new position or job, which was defined to also include cases where “a position takes on new character because of a material and substantial change” resulting from new duties being added, old ones being removed, or a “different time distribution” between existing duties.
2. The agency would fill out a standard form (P.C.B. Form No. 3) describing the duties and responsibilities for that job and send it to the Board for approval.
3. The Board would then, depending on need, “thoroughly investigate” whether this information was accurate to inform its decision.

¹⁰¹ Id.

¹⁰² Better, 84-86.

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4. In cases where an agency already had someone to fill the position, the agency submission form would also include information about the appointee's qualifications for the PCB to review in relation to the qualifications on file. In cases where the candidate's qualifications matched the classification specifications and the job duties, the PCB would issue final approval for the agency to hire someone into that position in the associated class.
5. In cases where the position was not yet filled, the Board would provide an initial "allocation" or classification decision placing the position in one of the services and grades outlined in the law and give the agency approval to begin hiring.
 - a. Once the position was filled, the agency would send another form to the PCB with the selectee's information and the Board would confirm or adjust its initial approval of the position based on whether that candidate matched the expected qualifications and whether there had been any changes to the job's duties since initial approval.

In cases where an agency was filling an old position, agencies had to submit a "classification sheet" with the new candidate's qualifications to the PCB and the Board's classifiers would decide whether the prior decision needed to be updated or not and whether the person proposed could occupy that position. In some respects, this is still the process for creating and filling a position today, nearly 100 years later: someone centrally creates job specifications, an agency classifies a position according to them, selectees are evaluated to make sure they meet the specifications by HR, and then the role gets filled.

However, this relatively elegant system (for 1923) struggled in implementation through the ensuing years. First, it applied to only a small number of staff despite a much broader clamor for pay adjustment across the country: the law excluded blue collar and field employees, applying instead only to the ~10% of employees in agency headquarters in Washington, with an expectation that the Board would examine the possibility of creating a classification system for these roles and to provide Congress with recommendations on the topic for future action. Second, the governance model for the board created challenges: the Bureau of the Budget, as chair of the board, was intensely focused on the fiscal impact of classification on salary expense accounts and slow-walked reclassifications that employees had assumed were coming as a result of the law while the CSC pushed a more traditional, methodical view of position definition and the Bureau of Efficiency favored decentralization to agencies.¹⁰³ Third, the task of creating the type of detailed job specifications that would be required to review "allocation" of tasks was a tremendous undertaking and the board was relatively lightly-staffed, lacking any type of dedicated appropriation until 1930 to hire its own staff. Finally, a series of confusing policy changes including a ruling by the Comptroller General – a role which had been created only in 1921 – and a statutory amendment in 1928¹⁰⁴ made it unclear whether the board actually had the authority to direct agencies to make changes to their "allocations."

¹⁰³ Van Riper, 302-303.

¹⁰⁴ An Act to amend the salary rates contained in the compensation schedules of the Act of March 4, 1923, entitled An Act to provide for the classification of civilian positions within the District of Columbia and in the field services. Pub. L. No. 70-555. 45 Stat 776 (1928)

In 1930,¹⁰⁵ yet another amendment was passed to clarify this authority and create a “Director of Classification” to manage the work of the Board, but the Great Depression was right around the corner and largely stalled full implementation of the Act’s overall vision for a comprehensive, fair classification system.

The Great Depression reintroduces some flexibility

Against the backdrop of the Great Depression, in 1932, Congress was looking for ways to economize on the government’s spending and decided to shutter the Personnel Classification Board in October of that year.¹⁰⁶ The functions of the board, which were primarily evaluating agency classification schemes and hearing appeals, were moved over to the CSC. Similarly, in 1933, the Bureau of Efficiency was also abolished¹⁰⁷ and most of its functions and property were transferred to the Bureau of the Budget, leaving the CSC as the sole agency with significant personnel management authority.

In addition to consolidating agencies, Congress enacted a series of pay freezes and reductions designed to also trim the government’s operating budget during the early years of the Depression. This meant that, while the CSC continued to try to implement the classification system envisioned by the Classification Act of 1923, many of the “allocations” they made existed only on paper while promotions and pay were largely frozen in place.¹⁰⁸ At the same time, Congress also set about creating a number of new agencies as part of President Roosevelt’s efforts to stimulate the economy during the New Deal. These agencies, like the Tennessee Valley Authority, National Industrial Recovery Administration, Public Works Administration, etc. had to be stood up quickly and, as they did during World War I, Congress responded to time pressure by waiving standard rules. In particular, they elected to largely exempt these agencies from the Classification Act of 1923 entirely, returning to a system where agency heads were allowed to decide their own positions and fix their own pay.¹⁰⁹

However, once again the problem of nonstandard pay became a challenge for leaders and by late 1933, the President signed an executive order creating yet another classification scheme, this time with 19 grades that mostly-but-not-entirely corresponded to grades in the Classification Act. Agencies were supposed to attempt to align with the CSC’s classification scheme but there was not tight coordination between the CSC and the emergency agencies through much of the 1930s.¹¹⁰

¹⁰⁵ An Act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes. Pub. L. 71-519. 46 Stat 860, 865. (1930).

¹⁰⁶ An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes. Pub. L. 72-212. 47 Stat 382 (1932) 416.

¹⁰⁷ An Act Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes. Pub. L. 72-428. 47 Stat. 1489. (1933) 1519.

¹⁰⁸ Baruch, 72-75.

¹⁰⁹ Baruch, 76.

¹¹⁰ Id. at 78.

The Brownlow Committee and the Ramspeck Act

After the country began to move out of the “trough of the depression”¹¹¹ in 1936, the Roosevelt Administration turned its attention to managing the newly-expanded federal government. Like his predecessors, FDR created yet another presidential advisory commission – this time called the “President’s Committee on Administrative Management” or the Brownlow Committee after its chairman – to provide him with recommendations about how he might further reform the operations of the executive branch. In the Committee’s 1937 report, they discussed a variety of recommendations, including suggestions about how to resolve salary compression issues and suggestions about the organization of the CSC. With regard to classification, the Committee’s major recommendation was to extend the classification system to the rest of the non-temporary government, including and especially positions in the field, outside of Washington.¹¹²

Following this report, Congress passed the Ramspeck Act in 1940¹¹³ which, among other things, acted on the Brownlow Committee’s recommendation around classification by permitting the president to extend the classification system to new parts of the federal workforce (like the field) via executive order. This law was further amended the following year¹¹⁴ to add a provision requiring automatic periodic salary adjustments for employees whose performance was “satisfactory” or “good” based on the agency’s judgment. The law also provided authority for agencies to authorize merit-based salary increases based on particularly good performance by staff and allowed the President and CSC to issue guidelines governing this new approach to within-grade salary adjustment.

However, as the laws were being passed and despite a desire in the Administration to fully classify most of the rest of the federal workforce, the country was also beginning to remobilize for war and, much like the situation during World War I, progress on classification issues began to be deprioritized in favor of support for the war effort.

World War II dramatically expands the scope of government

Even prior to the formal entry of the United States into World War II in December of 1941, the federal government had begun to ramp up defense activity. This required another significant expansion of personnel, with all the associated hiring, classification, and management challenges that the government had experienced already during World War I. In 1940, the federal government employed approximately 699,000 civilians, of which 256,000 worked in the various military and defense departments.¹¹⁵ By the

¹¹¹ Franklin D. Roosevelt, “Message to Congress Recommending Reorganization of the Executive Branch,” January 12, 1937, <https://www.presidency.ucsb.edu/documents/message-congress-recommending-reorganization-the-executive-branch>.

¹¹² *Administrative Management in the Government of the United States* (The President’s Committee on Administrative Management (Brownlow Committee), 1937), 7-13

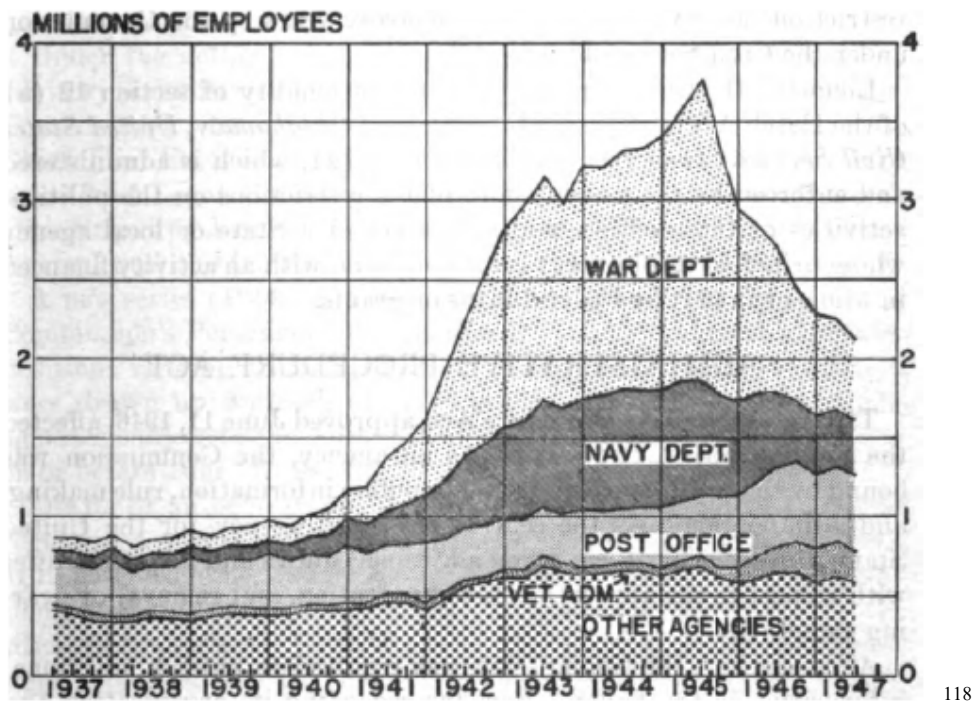
¹¹³ An Act extending the classified executive civil service of the United States (The “Ramspeck Act”). Pub. L. 76-880. 54 Stat 1211 (1940)

¹¹⁴ An Act to amend the Classification Act of 1923, as amended. Pub. L. 77-200. 55 Stat 613. (1941)

¹¹⁵ U.S. Office of Personnel Management, “Executive Branch Civilian Employment Since 1940,” n.d., accessed December 16, 2025, <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/historical-tables/executive-branch-civilian-employment-since-1940/>.

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end of the year in 1942, that number had already grown to nearly 2 million personnel¹¹⁶ and eventually peaked at around 3.8 million civilians in July of 1945.¹¹⁷



To facilitate this massive expansion of staff both before and after 1942, Congress and the CSC once again began to relax certain rules and decentralized some personnel administration work. Classifiers from the CSC were physically co-located with defense agencies to provide them with position classification support and decision-making was pushed down to lower levels of the government to facilitate quick action.¹¹⁹ The CSC also streamlined the process, letting agencies “take initial action without prior reference to the Commission, subject to a post-audit” to place new positions into the right class and curtailed the amount of time it spent proactively investigating and auditing agencies to ensure compliance with the rules.¹²⁰

Meanwhile, for field positions, efforts to bring the rest of the federal workforce into the classification system slowed during the early 1940s due to preoccupation with the war because the CSC did not have the authority and nor the time to produce detailed job specifications for those functions and agencies.¹²¹ These efforts progressed during the war, however, in part based on necessity: in 1943, President

¹¹⁶ Id.

¹¹⁷ Van Riper, 373.

¹¹⁸ U.S. Civil Service Commission, *Sixty-Fourth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1948), 27.

¹¹⁹ Baruch, 99-100.

¹²⁰ U.S. Civil Service Commission, *Sixty-Second Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1945), 47-48.

¹²¹ Id. at 48.

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Roosevelt ordered¹²² the CSC to produce field classification standards for many scaled-up war-related agencies like the Office of Price Administration, Office of War Information, Office of Defense Transportation, War Labor Board, etc.¹²³ In this model, the CSC would promulgate classification standards and then agencies would be responsible for placing their own positions into the right grades subject to audits after the fact by the CSC for accuracy, a situation that mirrored but somewhat decentralized the process for headquarters functions that was already in place.

Finally, in the waning days of the war, President Roosevelt further ordered the CSC to bring field positions¹²⁴ under a uniform classification system. To carry out this work, the CSC established regional offices in 15 cities throughout the country to provide classification services to agency field offices spread across the country. They also established a headquarters office to support those field positions and promulgated new classification specifications to cover the rest of the federal workforce.¹²⁵ By the end of 1945, about 1.1 million field employees had joined about 250,000 headquarters employees in this standard classification system,¹²⁶ which represented a significant expansion of the system but still sat at only about a third of the entire federal workforce at the end of the war.

The post-war status quo teeters

During the war, the CSC had complained that “[y]ear after year, pay legislation is enacted on a piecemeal basis in appropriation acts or otherwise without emphasis on the necessity of coordinating pay practices and pay levels within the Federal executive branch” and that “[o]ne of the results is that the Government as an employer is following some practices that, in another capacity, it would not tolerate in private industry.”¹²⁷

Following the war, this piecemeal and slow approach to classification and standardization began to show further signs of strain. For one, the demobilization presented significant operational challenges and dramatically impacted the CSC’s workload: as positions were abolished, changed, or consolidated, the CSC had to review every one prior to it being filled to ensure it was in the correct job classification. At the same time, even with this reduction in force, the scope of activities the federal government was involved in grew as new types of scientific and technical work were now permanent fixtures of the federal workforce in ways they had not been prior to World War II (e.g., the Atomic Energy Commission).

In the CSC’s 1947 report, they note that these dual factors created significant challenges for administering the system as it had been envisioned in 1923:

¹²² Franklin D. Roosevelt, “Executive Order 9330 - Transfer of Certain Central Administrative Services of the Office for Emergency Management,” Federal Register, April 16, 1943, <https://www.federalregister.gov/executive-order/9330>.

¹²³ *Sixty-Second Annual Report of the United States Civil Service Commission* (1945) 48

¹²⁴ Franklin D. Roosevelt, “Executive Order 9512- Providing for Coordination of the Allocations of Field Positions Subject to the Classification Act of 1923, as Amended,” American Presidency Project, January 16, 1945, <https://www.presidency.ucsb.edu/documents/executive-order-9512-providing-for-coordination-the-allocations-field-positions-subject>.

¹²⁵ *Sixty-Second Annual Report of the United States Civil Service Commission* (1945), 50.

¹²⁶ Van Riper, 426.

¹²⁷ U.S. Civil Service Commission, *Sixtieth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1943), 42-43.

*The gradual conversion of the Federal service from a war to a peacetime basis continued to present many problems bearing on the allocation of positions subject to the Classification Act of 1923, as amended. Reductions in force, the elimination, consolidation, and redistribution of functions of organizational units, and organizational surveys of certain war agencies have contributed to the situation. The increased emphasis on scientific research and development and the expansion of the Government in business fields has resulted in the consideration of many types of positions in the departmental service not previously encountered in the Government. These factors resulted not only in a large volume of classification work but also in a variety of technical problems for consideration by a decreasing classification staff.*¹²⁸

Agencies also complained about the degree to which the CSC's work was a bottleneck in their efforts to continue to modernize and reorganize themselves in the late 1940s.¹²⁹ In other words, the system that had been designed primarily to apply to only headquarters staff in a government of less than a million employees was starting to show its limitations as it was asked to agilely accommodate many hundreds of thousands of employees in a growing post-war government.

Cycle 4: The Classification Act of 1949 and the birth of the modern system (1949–1975)

These challenges with scale were not limited to just personnel issues: in the late 1940s, the rapid expansion, construction, and then expansion again of the federal footprint meant that both Congress and the President began to feel that a more comprehensive look at how the executive branch was organized was needed. In the summer of 1947, Congress authorized a joint executive-legislative committee specifically to look into questions of 1) how to reduce the cost of government service delivery, 2) whether there were duplicate or overlapping services, 3) whether and how like services or programs could be consolidated, 4) what programs could be abolished, and 5) where expansive executive authority might need to be limited or circumscribed.¹³⁰ This “Commission on Organization of the executive branch of Government,” also referred to as the First Hoover Commission after its chairman, former President Herbert Hoover, delivered a series of reports to Congress in the following years about a variety of management issues.

In February 1949, the Commission issued its report on Personnel Management. The report begins with a series of 16 statements about challenges with the current state of the federal personnel system, including several related to job classification:

¹²⁸ *Sixty-Fourth Annual Report of the United States Civil Service Commission (1947)*, 18

¹²⁹ Van Riper, 427.

¹³⁰ An Act for the establishment of the Commission on Organization of the Executive Branch of the Government. Pub. L. 80-162, 61 Stat 246 (1947)

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1. Centralization of personnel transactions in the Civil Service Commission and in the central personnel offices of the departments and agencies has resulted in unjustifiable delays and stands in the way of a satisfactory handling of the Government's personnel problems...
3. The Government too often fails to get the right man for the job or the right job for the man...
5. A comprehensive pay administration policy for the entire Executive Branch is long overdue. The four policies now in force lead to situations where pay varies not only for agency to agency but also within agencies. Furthermore, the fact that until recent years the Civil Service Commission has not developed standards for classifying jobs under the Classification Act of 1923 and, in some instances, the complexity of the present standards, have at times resulted in an unsatisfactory handling of salaries for workers in the "white collar" class...¹³¹

In particular, the report devoted significant attention to problems with the classification and pay system, which it judged to be both "inequitable and complex."¹³² Specifically, the report points out that while nearly all agencies are subject to the same rules for hiring and firing, only "42 percent are subject to any single set of pay policies" which, despite efforts to consolidate under the Classification Act of 1923, still varied widely between agencies. These systems included 850,000 under the Classification Act, 600,000 under various blue collar pay schemes, 480,000 in a completely separate postal personnel system, and 70,000 "scattered in 16 agencies ... compensated under special laws passed by Congress." In this criticism, the Commission directly echoed the exact same criticism that had led to the passage of the Classification Act of 1923 in the first place: that the system was too fragmented, Congress had created too many exceptions and special cases, and as a result it was too complicated to understand and administer. It also echoed the longstanding view that federal salaries were unacceptably lagging behind the private sector and, so, were impacting the ability of the government to recruit and retain talent.

From there, the commission's report proceeds to outline a large number of proposed reforms, many of which eventually see action over the next few decades. The first recommendation, for example, is focused on decentralizing much of the CSC's work, retaining the authority to set standards and conduct audits of agency activities but avoiding situations where agencies require preapproval (as in the case of job classifications) prior to acting — a recommendation that anticipates the decades-long move to decentralize that occurs through the back half of the 20th century. It also recommended that all agencies be required to have a top staff adviser for personnel matters included on their leadership teams, which also foreran the modern Chief Human Capital Officer position that became a normal fixture of agency leadership teams later on.

On job classification, the commission recommended that Congress enact a comprehensive job classification and pay system to bring all the disparate scales, systems, etc., under a single umbrella that remedied inequities between agencies. In conjunction with other recommendations, this included a suggestion that the CSC be focused only on establishing standards for job evaluation and grading but delegating the authority to actually define a position to agencies, subject to audits by the CSC to

¹³¹ *Personnel Management: A Report to the Congress by the Commission on Organization of the Executive Branch of the Government* (The Commission on Organization of The Executive Branch of the Government (First Hoover Commission), 1949). 3-5.

¹³² *Id.* at 24.

determine compliance after the fact. Finally, it suggested that there needed to be some kind of mechanism for the president and Congress to “maintain a realistic pay relationship between comparable positions within federal and private employment.”¹³³ This included a recommendation that there be an adjustment of pay rates on an annual basis, as well as a system of locality pay to accommodate relative differences in the cost of labor in different parts of the country.

The Classification Act of 1949 and the General Schedule

Largely in response to these criticisms, Congress began investigating and working on classification and pay issues the following year. In 1948, in response to the rising cost of living and the perception of a growing public-private compensation gap discussed by the Hoover Commission, Congress passed the Postal Rate Revision and Federal Employees Salary Act of 1948,¹³⁴ which provided across-the-board increase of \$330 per year or 20 cents per hour. At the time, it was understood by both Congress and the White House that this was not an optimal or even permanent solution to these issues. In his signing statement, President Harry S. Truman took aim at Congress for failing to take action on a more comprehensive rewrite and promised that “I have no intention, however, of permitting the matter to rest at this point. I shall urge that the Congress pass legislation which will set Federal pay scales at the proper levels for all employees including members of the Cabinet and the heads of the independent agencies, as well as persons who are occupying key positions in the professional, scientific, and technical fields, and modernize and simplify the Classification Act of 1923, and once again provide a proper relationship between jobs.”¹³⁵

Congress agreed with this assessment on a bipartisan basis. The Republican chairman of the House Post Office and Civil Service Committee, Edward Rees, recognized that “[a]t the time the last Federal Employee Pay Act was considered by the House and Senate conferees in June 1948, it was determined that an extensive revision of the Classification Act of 1923 was necessary, and the conferees agreed that a study should be made...”¹³⁶ and set the committee to work producing a proposal in collaboration with the CSC and the Bureau of the Budget. That November, Truman was reelected and the Republicans lost control of both chambers of Congress, but the work on a comprehensive reform bill did not end. The study the previous Republican chairman commissioned was completed in January 1949 and provided to the incoming Democratic chairman, Tom Murray, for action.¹³⁷ The committee then spent significant time holding hearings and revising the bill, ultimately producing H.R. 5931. Simultaneously, the Senate had been at work on a substantially similar bill introduced by Russell Long of Louisiana. That fall, the House version cleared the chamber by voice vote on September 28,¹³⁸ the Senate proposed its version by

¹³³ Id. at 26-28.

¹³⁴ An Act to provide for permanent postal rates and to provide pay increases for Government. Pub. L. 80-900, 62 Stat 1260 (1948).

¹³⁵ Harry S. Truman, “Statement by the President Upon Signing Bill Raising the Pay Rates of Federal Employees,” Harry S. Truman Library & Museum, July 3, 1948, <https://www.trumanlibrary.gov/library/public-papers/157/statement-president-upon-signing-bill-raising-pay-rates-federal-employees>.

¹³⁶ U.S. Congress, House, Congressional Record, 81st Cong., 1st sess., September 28, 1949, vol. 95, pt. 10, 13485.

¹³⁷ Id.

¹³⁸ Id. at 13498.

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amendment two days later,¹³⁹ and ultimately the two chambers came to agreement via conference on a final version of the bill in the middle of October.¹⁴⁰

The bill, known as the Classification Act of 1949, went to President Truman, and he signed it on October 28, 1949.¹⁴¹ After nearly 175 years of tinkering, Congress had finally arrived at a universal, durable classification system.

The main changes in the system were 1) to create a single, unified pay system called the General Schedule, which would have 15 regular grades and 3 “supergrades” for executives, to replace the various compensation tables in use across government; 2) to delegate the authority to classify positions to agencies rather than continuing to centralize it at the CSC; and 3) to create a system of within-grade increases, whereby each 12 or 18 months or based on outstanding performance, employees could expect to move up a “step” inside of their pay grade until they reached the maximum allowable rate for that grade.

The act has 12 sections that outline an ambitious policy to create a coherent personnel system for nearly all white collar jobs within the federal workforce, beginning with a succinct declaration of policy: Equal pay for equal work would be the foundation for implementation of the act, and the classification scheme developed under it would be used to group and organize all personnel for “all phases of personnel administration,” not just for pay purposes.¹⁴² This reaffirmed not only the values that Congress had long focused on but also placed classification at the very center of the federal personnel system.

Next, Title II outlined exactly who the law applied to. Recalling that a significant challenge in prior iterations of classification systems was its unequal or incomplete application to similar categories of workers across government, the act initially is designed to encompass nearly all federal civilian employees in “white collar” jobs with a few exceptions. In general, it did not apply to some agency workforces such as the Postal Service, the Foreign Service, medical staff at the Veterans’ Administration, lighthouse keepers, seamen, or employees of the District of Columbia local government (which was not yet self-governing), including teachers or police officers. It also specifically excluded agencies that had different missions or structures, including the Tennessee Valley Authority, the Atomic Energy Commission, the Panama Railroad Company, and the Central Intelligence Agency.¹⁴³ Notably, this system generally did not apply blue collar or skilled trades, which had been organized into a separate service in the Classification Act of 1923 and remain in a similar personnel system today.

Title III describes the system’s fundamental structure. It starts by defining its terms: “positions” are bundles of “duties and responsibilities, assignable to an officer or employee” and are to be organized into classes that are “sufficiently similar as to (A) kind or subject-matter of work, (B) level of difficulty and responsibility, and (C) the qualification requirements of the work, to warrant similar treatment in

¹³⁹ U.S. Congress, Senate, Congressional Record, 81st Cong., 1st sess., September 30, 1949, vol. 95, pt. 10, 13602–605.

¹⁴⁰ U.S. Congress, House, Conference Report on H.R. 5931, H. Rep. No. 81-1447, in Congressional Record, 81st Cong., 1st sess., October 17 1949, vol. 95, pt. 11, 14809–820.

¹⁴¹ Classification Act of 1949, Pub. L. No. 81-429, 63 Stat. 954 (1949).

¹⁴² Id.

¹⁴³ Id. at 954-957.

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personnel and pay administration”; and “grades” are groupings of classifications that are similar enough to merit the same range of pay, whether or not the actual job duties are exactly the same. Then, it stipulates the way the system is supposed to work: positions are placed into classes, classes are placed into standard pay grades. The end result should situate every individual job somewhere in a logical system, in relationship to all other jobs.

The next section, Title IV, assigns the CSC the job of designing classification standards to support this framework. These standards were expected to “(1) define the various classes of positions that exist in the service in terms of duties, responsibility, and qualification requirements; (2) establish the official class [job] titles; and (3) set forth the grades in which such classes have been placed.” It also stipulates that the CSC is expected to periodically review and keep these standards up to date, with input and cooperation from agencies.

Under Title V, in a departure from the prior system of centralized classification, agencies were expected to use these standards to place positions into the appropriate classes and grades on their own, subject to review by the CSC. Periodically, the CSC had the authority to audit agencies to ensure compliance and, in cases where a position was incorrectly classified, move it into the correct one. If an agency was routinely misclassifying positions, the CSC was also granted the authority to revoke an agency’s delegated authority to classify its own positions until the agency remedied whatever issue was driving the mistakes. It should be noted, executive positions were excluded from this delegation, and authority for classification decisions for those roles remained with the CSC. OPM still manages the allocation of senior executive positions in the present day, in a nod to this arrangement.

Title VI outlined the new General Schedule, including specific statutory definitions for the type of work expected to fall into each grade. This new system had 18 grades, including 15 for regular staff and supervisory work, as well as three “supergrades” that were reserved for executive leadership (i.e., GS-16, 17, and 18). This system envisioned a single pay scale that could be mapped onto any job in any occupation across the government to facilitate equalization across agencies, localities, and duties. For example, Grade GS-5 was defined this way:

GS-5.	Grade GS-5 includes all classes of positions the duties of which are (1) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case (A) considerable training and supervisory or other experience, (B) broad working knowledge of a special subject matter or of office, laboratory, engineering, scientific, or other procedure and practice, and (C) the exercise of independent judgment in a limited field; (2) to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing but requiring little or no experience; or (3) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.
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This section also renamed the blue collar personnel system from the Classification Act of 1923 to the "Crafts, Protective, and Custodial Schedule" to match the new nomenclature in the GS system, and it similarly defined its 10 pay grades directly in statute:

Grade CPC-8 includes all classes of positions the duties of which are to have general supervision over a force of building guards; to supervise the operation of a mechanical shop; to direct skilled mechanics and other employees engaged in the operation and maintenance of equipment providing heating, ventilating, air conditioning, power, and sanitation in one or more public buildings; or to perform other work of equal difficulty and responsibility and requiring comparable qualifications. **CPC-8.**

Finally, this section established new minimum and maximum rates for each of the 18 grades (18 GS, 10 CPC) and provided detailed instructions for converting existing positions to this new system:

Service and grade of the Classification Act of 1923, as amended				Corresponding new grade	
Professional and scientific service	Subprofessional service	Clerical, administrative, and fiscal service	Crafts, protective, and custodial service	General schedule	Crafts, protective, and custodial schedule
	1			GS-1	
	2	1		GS-1	
	3	2		GS-2	
	4	3		GS-3	
	5	4		GS-4	
1	6	5		GS-5	
	7	6		GS-6	
2	8	7		GS-7	
		8		GS-8	
3		9		GS-9	
		10		GS-10	
4		11		GS-11	
5		12		GS-12	
6		13		GS-13	
7		14		GS-14	
8		15		GS-15	
			1		CPC-1
			2		CPC-2
			3		CPC-3
			4		CPC-4
			5		CPC-5
			6		CPC-6
			7		CPC-7
			8		CPC-8
			9		CPC-9
			10		CPC-10

Title VII created a system of within-grade “step” increases that would be used to move staff from the lowest part of a given grade’s pay band to the top. Initially, Congress envisioned that these increases would happen every 12 or 18 months depending on their amounts (12 months for < \$200, 18 for increases > \$200) in cases in which supervisors rated their employees “good” or better than “good” and their “service and conduct” as “satisfactory.”¹⁴⁴ Agencies were also allowed to grant additional increases beyond the maximum rate for every three years of service after an employee reached the maximum rate for “longevity” for some employees under GS-10. Title VIII stipulates that all new hires begin at the bottom of their pay grade and work their way up under this system but employees can retain their stepped-up position through transfers or promotions inside the government.

Title IX describes and codifies the performance rating system that agencies are expected to use in both providing merit increases in pay and also as the basis for demotions, removals, or firings in cases where employees were not performing. As a corollary, Title X authorizes agencies to offer “efficiency awards” programs to compensate employees who are particularly effective at innovating in their work and supervisors that are particularly outstanding at management.

Finally, Title XI and XII contain several miscellaneous and general provisions that govern implementation and clean up various statutory references to prior laws now superseded by the act.

Implementing the new GS system

Contemporaneously, the Classification Act of 1949 was regarded as an important step toward a more modern personnel system that suited the needs of the government in the middle of the 20th century. When President Truman signed it, for example, he lauded the bill for “greatly simplif[y]ing] the salary system by reducing the number of pay grades ... and at the same time correct[ing] inequities among the different grades which were created by piecemeal legislation of a period of years.”¹⁴⁵ And, echoing a recommendation from the Hoover Commission, he noted that it decentralized the classification function to agencies, allowing them to make their own decisions under standards developed by the CSC and thereby eliminating “one source of delay in appointing qualified personnel.”¹⁴⁶ Similarly, the CSC noted that the “consolidation of the four ‘service’ schedules into two ... was a marked improvement and is working out satisfactorily.”¹⁴⁷

Following passage of the act, the CSC set about producing occupational standards and classification guides to aid agencies in executing these requirements. These evolved from the classification standards developed under the prior system and began to resemble the system that exists to the present day. Comparing the occupational standards issued in the late 1950s, for instance, reveals remarkable continuity

¹⁴⁴ Id. at 968.

¹⁴⁵ Harry S. Truman, “Statement by the President Upon Signing the New Classification Act,” Harry S. Truman Library & Museum, October 28, 1949, <https://www.trumanlibrary.gov/library/public-papers/242/statement-president-upon-signing-new-classification-act>.

¹⁴⁶ Id.

¹⁴⁷ U.S. Civil Service Commission, *First Annual Report of the Civil Service Commission Under Classification Act of 1949* (Washington, DC: U.S. Government Printing Office, 1951), 82d Cong., 1st sess., H. Doc. 195. Transmitted by President Harry S. Truman, July 19, 1951. 20.

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between the system outlined in the middle of the 20th century and the system used to classify roles in 2025. The major exceptions to this were that the “Trade, Craft, or Labor” job families were later integrated into the blue collar personnel system and the 2200 occupational family was repurposed to cover the field of information technology that did not exist when the system was initially designed:

1958	2025
OCCUPATIONAL GROUPS	
The following occupational groups, generally embracing several series of classes of related activities, are major subdivisions of the general schedule:	DEFINITIONS OF WHITE COLLAR OCCUPATIONAL GROUPS AND SERIES..... 18
GS-000-0 Miscellaneous Occupations Group (Not Elsewhere Classified)	0000 – MISCELLANEOUS OCCUPATIONS GROUP..... 18
GS-100-0 Social Science, Psychology, and Welfare Group	0100 – SOCIAL SCIENCE, PSYCHOLOGY, AND WELFARE GROUP..... 25
GS-200-0 Personnel Administration and Industrial Relations Group	0200 – HUMAN RESOURCES MANAGEMENT GROUP..... 32
GS-300-0 General Administrative, Clerical, and Office Services Group	0300 – GENERAL ADMINISTRATIVE, CLERICAL, AND OFFICE SERVICES GROUP..... 36
GS-400-0 Biological Sciences Group	0400 – NATURAL RESOURCES MANAGEMENT AND BIOLOGICAL SCIENCES GROUP..... 43
GS-500-0 Accounting and Budget Group	0500 – ACCOUNTING AND BUDGET GROUP..... 50
GS-600-0 Medical, Hospital, Dental, and Public Health Group	0600 – MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP..... 54
GS-700-0 Veterinary Science Group	0700 – VETERINARY MEDICAL SCIENCE GROUP..... 66
GS-800-0 Engineering Group	0800 – ENGINEERING AND ARCHITECTURE GROUP..... 67
GS-900-0 Legal and Kindred Group	0900 – LEGAL AND KINDRED GROUP..... 75
GS-1000-0 Fine and Applied Arts Group	1000 – INFORMATION AND ARTS GROUP..... 80
GS-1100-0 Business and Industry Group	1100 – BUSINESS AND INDUSTRY GROUP..... 85
GS-1200-0 Copyright, Patent, and Trade-Mark Group	1200 – COPYRIGHT, PATENT, AND TRADEMARK GROUP..... 91
GS-1300-0 Physical Sciences Group	1300 – PHYSICAL SCIENCES GROUP..... 93
GS-1400-0 Library and Archives Group	1400 – LIBRARY AND ARCHIVES GROUP..... 98
GS-1500-0 Mathematics and Statistics Group	1500 – MATHEMATICAL SCIENCES GROUP..... 100
GS-1600-0 Mechanic Group	1600 – EQUIPMENT, FACILITIES, AND SERVICES GROUP..... 103
GS-1700-0 Education Group	1700 – EDUCATION GROUP..... 105
GS-1800-0 Investigation Group	1800 – INSPECTION, INVESTIGATION, ENFORCEMENT, AND COMPLIANCE GROUP..... 108
GS-1900-0 Inspection and Grading Group	1900 – QUALITY ASSURANCE, INSPECTION, AND GRADING GROUP..... 115
GS-2000-0 Supply Group	2000 – SUPPLY GROUP..... 116
GS-2100-0 Transportation Group	2100 – TRANSPORTATION GROUP..... 118
GS-2200-0 Trades, Crafts, and Labor Group	2200 – INFORMATION TECHNOLOGY GROUP..... 123
April 1958	

For an agency to actually classify a given position, it had to assign it to a specific occupation within one of these occupational groups or job families using the published standards as a guide to determine which group it best belonged to. These standards included general overviews of both the job family as well as the specific occupational series within them. Consider the Contracting Specialist series, for example, which has persisted with the same occupational code and roughly the same mission from the 1950s to the present day:

GS-1100-0 BUSINESS AND INDUSTRY GROUP GS-1100-0

This group includes all classes of positions the duties of which are to advise on, administer, supervise, or perform work pertaining to and requiring a knowledge of business and trade practices, characteristics and use of equipment, products, or property, or industrial production methods and processes, including the conduct of investigations and studies; the collection, analysis, and dissemination of information; the establishment and maintenance of contacts with industry and commerce; the provision of advisory services; the examination and appraisal of merchandise or property; and the administration of regulatory provisions and controls.

Series of classes in this group are:

GS-1102-0 Contract Specialist Series GS-1102-0

This series includes all classes of positions the duties of which are to administer, supervise, or perform work involved in the administration, negotiation, renegotiation, or termination of developmental, production, construction, and other contracts placed by the Government with private contractors.

Once an agency assigned the position to the correct job family and series, it would then use one of two methods to determine the appropriate grade for the job. The first, most straightforward method involved selecting one of the detailed guidelines published by the CSC and using that to grade the position. These guides specifically outlined which common-to-the-occupation duties and responsibilities qualified it for which grades based on various compensable factors and classifiers had to simply match these examples to those in the position description for the job. The second method, however, required more of an art than a science. In cases where no occupation-specific guide was available – either because the CSC had not prioritized its development or wanted agencies to use a more general guide – classifiers had to review similar guides and come up with a grade by comparison.¹⁴⁸

¹⁴⁸ *Classification Policies and Principles*, no. 16, Personnel Management Series (U.S. Civil Service Commission, 1963). 40 - 42.

- "WHAT A CLASSIFICATION STANDARD CONTAINS"**
- **Definition and Description of the Occupation and its Specialties**
 - **Discussion of Application of Classification Factors, such as Nature and Variety of Work, to the Occupation**
 - **Definitions of Terms Used in Standard**
 - **Official Class Titles (Position Titles)**
 - **Definition of Grades in Terms of the Occupation (Pay Levels)**
 - **Statement of Knowledges, Skills, and Abilities needed to do the Job**

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In the first case, the classification standards described the boundaries of a given job or group of jobs for agencies to work within. For example, a 1966 guide for librarians in federal agencies provided classifiers with detailed descriptions of the job titles the CSC deemed appropriate for the role, the types of things that job might be asked to do, challenges with grading specifically library-science activity, and finally a cross-walk of various responsibility levels to grades in the General Schedule:

¹⁴⁹ U.S. Civil Service Commission, *Seventy-Third Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1956), 82.

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GRADE-LEVEL CONVERSION CHART

Do not use alone. See definitions of the degrees for Factors 1 and 2, and levels for Factor 3.

Factor 3 KNOWLEDGE REQUIREMENTS		Factor 1 SCOPE OF ASSIGNMENT	Factor 2 LEVEL OF RESPONSIBILITY		
			DEGREE a	DEGREE c	DEGREE e
LEVEL I		DEGREE A	GS-5	GS-7	GS-9
I		C	GS-7	GS-9	GS-11
I		E	GS-9*	GS-11*	GS-12*
II		A	GS-7	GS-9	GS-11
II		C	GS-9	GS-11	GS-12
II		E	GS-11	GS-12	GS-13
III		A	GS-9*	GS-11	GS-12
III		C	GS-11	GS-12	GS-13
III		E	GS-12	GS-13	GS-14

* It is not typical to find these combinations.

SUMMARY OF FACTORS

Factor 1—Scope of Assignment

Degree A—Average difficulty; limited scope or coverage; training and competence in subject

Degree C—Above average difficulty; broad scope or penetrating coverage; specialized experience

Degree E—Program development; broad scope and penetrating coverage; extended and highly specialized experience

Factor 2—Level of Responsibility

Degree a—
Limited or trainee

Degree c—
Full performance

Degree e—
Expert or leader

Factor 3—Knowledge Requirements

Level I—Basic knowledge of subject; bachelor's degree or equivalent experience; ability to read nontechnical foreign language material

Level II—Intensive knowledge of subject; broad knowledge of subject; professional knowledge of library science; master's degree or equivalent experience; ability to read technical material in two or more foreign languages

Level III—Comprehensive knowledge of subject; advanced knowledge of subject or library science; M.D. or Ph.D. or equivalent experience.

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In cases in which the CSC had not outlined a more specific classification guide akin to the one excerpted above, agencies were expected to use the guide for “a series as similar as possible to the position to be evaluated with respect to” the type of work, qualifications, level of difficulty, and other factors.¹⁵¹ Agencies were supposed to exercise careful judgment in applying these standards to a given position description and to reach a conclusion that was consistent with the internal logic of the overall system. In cases in which they made mistakes, the CSC’s audits would correct them and uncover areas where new standards or refined specifications might help. Later into the 1950s, the CSC began developing groups of more general standards — for supervisors or engineers in general, for instance — to help drive consistency across those job categories.¹⁵²

¹⁵⁰ *Guide for the Classification of Positions Providing Professional-Level Library and Information Services* (U.S. Civil Service Commission, 1966). 38

¹⁵¹ *Classification Policies and Principles*. 40.

¹⁵² U.S. Civil Service Commission, *Seventy-Sixth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1959), 31-32.

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Overall, this system worked reasonably well, but some problems persisted within the system. Starting right after Congress passed the act, the CSC, for example, began noting some technical and substantive challenges with the law, including:

- Given the centrality of these guides to the system, they were labor intensive to create and (ideally) would be kept up to date to match changes in the broader economy. However, capacity constraints made it difficult for the CSC to keep up with the demand for new classification standards year over year. In 1957, for example, the CSC estimated that it needed to write or revise 214 standards to close the gap between the occupations it had identified and those with up-to-date, written standards in place.¹⁵³ This gap persisted throughout the 20th century, with the CSC (and then OPM) never really managing to catch up to demand.
- As early as 1951, the CSC argued that the skilled trades were an awkward fit for the system because of the portability of those skills — it didn't make sense to lock the government into salaries for skilled tradesmen when the local economy clearly dictated fair hourly rates in a given geography. As a solution, the CSC proposed abolishing the blue collar schedule and permitting agencies to just use the “prevailing rates” where possible and bringing all others under the General Schedule.¹⁵⁴ This eventually happened in 1954, with the CPC Schedule being abolished entirely and moved in large part under the “wage board system” or (in the case of a few jobs like police, messengers, and firefighters) brought into new occupations within the GS system.¹⁵⁵
- In cases involving employees whose work had been audited and determined to be a *lower* grade than their current designation, agencies were forced to actually *reduce* their salaries despite no change in job duties or responsibilities. This created a structural disincentive for agencies to be thoughtful about reviewing classifications. It also harmed morale as both employees and managers resented a system that revised salaries down when the status quo was acceptable. The CSC asked Congress to allow agencies to grandfather in employees who were in downgraded positions, preserving their salary as long as they were in that position.¹⁵⁶
- Originally, because the law stipulated that new employees had to enter federal service at the bottom of a given grade, agencies felt that they lacked flexibility to extend competitive offers to candidates from other sectors. The CSC recommended that agencies be granted the flexibility to negotiate with candidates about the within-grade step they were to start on to help them recruit

¹⁵³ U.S. Civil Service Commission, *Seventy-Fourth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1957), 33.

¹⁵⁴ *First Annual Report of the Civil Service Commission Under Classification Act of 1949*. 3. Also U.S. Civil Service Commission. *Sixty-Eighth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1951), 6. Also U.S. Civil Service Commission. *Sixty-Ninth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1952), 6, 49. Also U.S. Civil Service Commission. *Seventieth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1953), 21.

¹⁵⁵ U.S. Civil Service Commission, *Seventy-First Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1954), 20.

¹⁵⁶ *Id.*

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more effectively.¹⁵⁷ This was eventually solved by executive action beginning in 1955 under section 803 (a) of the Classification Act, as amended to allow for higher starting salaries in hard-to-fill positions, including scientists and engineers.¹⁵⁸

- Additionally, nearly every year the CSC supported legislation to adjust the pay tables for GS employees, which were fixed in statute and required Congress to update via affirmative legislation, which it did periodically after 1950. The CSC also, over several years, requested authority for various premium and overtime pay rates to accommodate different work schedules. However, these increases were spread unevenly across the system and generally did not keep track with inflation in the cost of living.¹⁵⁹ In 1962, Congress took steps towards creating an annual review process for salary comparability with the private sector, requiring the president to submit an annual compensation study to Congress with recommendations for action.¹⁶⁰

The Korean War and the limits of the system

In addition, shortly after the law went into effect, the Korean War broke out, placing yet more strain on the CSC and agencies. However, the federal government did not staff up nearly as dramatically as it had in prior wars and the personnel system, in part because Congress explicitly directed it not to. A rider on a 1951 appropriations bill, known as the Whitten Amendment, outlined a set of temporary amendments to the civil service rules to limit increases in permanent positions due to the war (via quotas and headcount caps), place restrictions on how fast current employees could be promoted, “encourage the transfer of regular career employees to defense activities,” and to limit the ability of agencies to backfill for staff who were either called into active duty service or temporarily assigned to defense activities.¹⁶¹ These restrictions were meant to last for the duration of the fiscal year but Congress renewed and revised them in 1952 to make it easier to transfer employees and to introduce complicated restrictions on promotions that made it difficult to promote staff on a permanent basis.¹⁶²

At the same time, the parts of the government that did staff up during the war created additional classification workload (e.g., creating new job definitions in the defense agencies).¹⁶³ Additionally, both because of the restrictions imposed by Congress and the mission needs of agencies, “pirating” became a common feature of the surges and which the CSC defined as “overgrading of positions in an agency for the purpose of attracting personnel from other agencies. Charges of pirating arise during periods of large-scale expansion in Government personnel, especially in an emergency, and are usually directed at new agencies and at established agencies with newly acquired functions that require the prompt hiring of large

¹⁵⁷ Id. Also U.S. Civil Service Commission. *Sixty-Seventh Annual Report of the United States Civil Service Commission*. Washington, DC: U.S. Government Printing Office, 1950, 6. Also *Sixty-Ninth Annual Report of the United States Civil Service Commission (1952)*, 5.

¹⁵⁸ *Seventy-Fourth Annual Report of the United States Civil Service Commission (1957)* 24-27

¹⁵⁹ U.S. Civil Service Commission, *Seventy-Second Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1955), 75-78.

¹⁶⁰ U.S. Civil Service Commission, *Seventy-Ninth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1962), 1-2. referring to the Federal Salary Reform Act of 1962, Pub. L. No. 87-793, Section 501 76 Stat. 832, 841 (1962).

¹⁶¹ *Sixty-Ninth Annual Report of the United States Civil Service Commission (1952)*, 21

¹⁶² Id. at 21-24.

¹⁶³ *Sixty-Eighth Annual Report of the United States Civil Service Commission (1951)* 28

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numbers of additional employees.”¹⁶⁴ The CSC continued to pursue standardization and utilize its audit authority to remedy this race to the top as much as possible.

In 1954, following the wind-down of the conflict in Korea, many of these limits were finally loosened substantially as headcount restrictions were relaxed and permanent promotions became possible again,¹⁶⁵ although full repeal of the Whitten “ceiling” on federal headcounts didn’t happen until 1967.¹⁶⁶

Through the remainder of the 1950s, the CSC continued to churn out new job classification standards, presided over the creation of the prevailing wage system for blue collar jobs, and studied ways to improve the position classification system. In 1958, for example, with nearly a decade of experience administering the modern system under its belt, the CSC embarked on a program to reduce the paperwork associated with position classification.¹⁶⁷ This effort was focused on making it easier for agencies to prepare position descriptions that satisfied what the CSC called the “standard of adequacy.” Agencies were instructed to pare back descriptions that had become needlessly wordy, long, or filled with irrelevant information in an attempt to cause a classifier to increase the grade of a position.¹⁶⁸ In 1959, the CSC began convening classifiers to share information across agencies and even started publishing a newsletter called “Classification News” to facilitate the dissemination of policy across agencies as the CSC developed it.¹⁶⁹ The early and mid-1960s similarly saw the commission diligently focus on producing and revising classification standards, implementing new and more complicated pay-setting practices, and continuing to advocate for greater pay parity between federal employees and their private sector counterparts.

However, despite this system maturing and working reasonably well, Congress continued to tinker, convening additional blue-ribbon committees to explore further changes to the system.

The second Hoover Commission

In 1955, Congress authorized another joint committee¹⁷⁰ that was again chaired by former President Hoover, to investigate many of the same questions as its predecessor. The second Hoover Commission again included a short section on classification in its report on personnel, criticizing the post-1949 system in a few ways that had become familiar. In the commission’s view:

¹⁶⁴ Id.

¹⁶⁵ *Seventy-First Annual Report of the United States Civil Service Commission (1954)* 17

¹⁶⁶ U.S. Civil Service Commission, *Eighty-Fourth Annual Report of the United States Civil Service Commission* (Washington, DC: U.S. Government Printing Office, 1967).²¹ citing An Act to provide for the acquisition of career status by certain temporary employees of the Federal Government, and for other purposes, Pub. L. 90-105, 81 Stat 273 (1967).

¹⁶⁷ U.S. Civil Service Commission, *Seventy-Fifth Annual Report of the United States Civil Service Commission*. Washington, DC: U.S. Government Printing Office, 1958, 29.

¹⁶⁸ *Less Paperwork in Position Classification*, no. 15, Personnel Management Series (U.S. Civil Service Commission, 1959).

¹⁶⁹ *Seventy-Sixth Annual Report of the United States Civil Service Commission (1959)*, 27-28.

¹⁷⁰ An Act for the establishment of a Commission on Government Operations. Pub. L. 83-108, 67 Stat 142 (1953).

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- The system had, yet again, become too elaborate. With 18 grades in the GS, 92 in the Postal Service, and 34 under the prevailing wage board system, “the distinctions between them, both in money and in duties, has been blurred and weakened.”¹⁷¹
- Congressionally-granted raises to the lowest GS levels meant that pay was rapidly becoming compressed such that the difference between lower grades and higher ones was shrinking and that “the incentives to assume heavier responsibilities has been lost.”¹⁷²
- The system of a national, unified pay structure didn’t adequately account for local variations in wage levels for either the GS or the Postal system, whereas the blue collar system did accommodate those differences through its focus on a prevailing wage.
- The Postal Service was specifically lacking in an adequate classification system for its work, instead relying on one that set pay based on job title only.
- The lack of a central “coordinating or review authority” for the blue collar pay systems meant that there wasn’t adequate pay parity for similar work across different agencies in “the same or nearby areas” where the prevailing wage should have been standard.¹⁷³

To remedy these issues, the commission recommended four changes for Congress to implement:

1. Reducing the number of grades in the GS scale by collapsing Grades 1—6 into 3 grades and 7—11 into 3 grades, resulting in 13 grades rather than the 18 then in place.
2. Setting up an actual classification system for the Postal Service that roughly aligned with the amended GS scale.
3. Empowering the CSC to organize the various blue collar and wage board systems into one more internally consistent across agencies and areas.
4. Directing the CSC to study whether more jobs should be treated like wage board system positions with pay based on prevailing wages rather than according to nationally defined grades.¹⁷⁴

The group also made an extensive proposal to replace grades 16, 17, and 18 with what eventually became the Senior Executive Service in the late-1970s. Although Congress continued to tinker with the wage board system and the Postal Service in part to address these concerns through the remainder of the 1950s and early 1960s, it did not act on the recommendation to collapse GS grades.

Toward the end of the 1960s, however, Congress once again became interested in whether the classification system was meeting the needs of a rapidly modernizing and growing government.

¹⁷¹ *Personnel and Civil Service: A Report to Congress* (Commission on Organization of the Executive Branch of the Government (Second Hoover Commission), 1955). 54.

¹⁷² *Id.*

¹⁷³ *Id.* at 55.

¹⁷⁴ *Id.* at 56-57.

The Job Evaluation Policy Act of 1970

The 90th Congress convened in 1967 with Democratic majorities in both houses and a renewed interest in position classification systems from the House Committee on Post Office and Civil Service. At the beginning of the term, that committee set up a Subcommittee on Position Classification to investigate some of the challenges that had cropped up since 1949 but had gone unsolved, including challenges with downgrading existing positions.

After getting underway in April of that year, the committee began its work by holding hearings, seeking input from unions, federal managers, and other experts, and developing its research agenda for the remainder of the Congress.¹⁷⁵ In particular, the committee proposed a detailed study of position classification that outlined the various systems in use across government (e.g., the GS, Postal Service, Foreign Service, VA medical staff, the wage board system, and others) for completion during the back half of the term.¹⁷⁶ Specifically, the subcommittee was interested in whether it made sense to keep all of these systems separate, whether the mechanisms they used to grade positions made sense, whether the systems were equitable or not, and whether the system was capable of “adapting to the ever-changing functions of the Federal Government.”¹⁷⁷

The committee retained consultant Joseph E. Winslow, who had worked at the Bureau of the Budget, CSC, and the Kennedy and Eisenhower White Houses on personnel issues and had just retired from his role at the White House,¹⁷⁸ to produce the report. Winslow was given space from the General Services Administration and several detailees from various agencies to support the work. Over the course of 1968, the group prepared an exhaustive study of the past, present, and future of classification in the federal government that relied on interviews, input from agencies, suggestions from employee groups and unions, and other sources.

The findings of the report focus on a set of themes:

- The variety of classification systems in place within the federal government created significant complexity in the personnel system and resulted in inequities among agencies. Committees with subject-matter jurisdiction, for example, would create new exception cases when prompted by agencies without coordinating among themselves or with the primary committees focused on the entire federal workforce, thereby adding complexity to the entire system.

¹⁷⁵ *Summary of Activities and Program of the Subcommittee on Position Classification of the Committee on Post Office and Civil Service House During the First Session of the Ninetieth Congress*, Committee Print No. 9 (U.S. House of Representatives, 1967).

¹⁷⁶ *Id.* at 6.

¹⁷⁷ *Report on Job Evaluation and Ranking in the Federal Government Prepared for the Use of the Committee on Post Office and Civil Service Subcommittee on Position Classification*, Committee Print No. 15 (U.S. House of Representatives, 1968). 5

¹⁷⁸ “Joseph E. Winslow,” *The Washington Post*, October 15, 1992, <https://www.washingtonpost.com/archive/local/1992/10/15/herbert-t-wagner-80-dies/d1e91265-b297-4b84-ac54-9aa055e43b38/>.

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- The system provided no standard way for assigning a grade for a given job, with significant variation among different groups of positions and with an opacity that created confusion about who deserved which benefits.
- The classification standards that the CSC had been producing for 20 years were often said to be “too complex,” “obsolete” in many cases, or didn’t have universal coverage across all jobs that agencies offered. Nor did they always match qualification standards which guided hiring decisions, creating further confusion.
- The fact that statutes defined each GS level made the system brittle and unable to accommodate changing conditions.
- Market pressure has led some agencies to overclassify positions to achieve higher grade and pay levels, creating upward competitive pressure in the system that clashed with the idea of an objective grading and classification system.
- Classifiers were both understaffed and not adequately trained, which led to inconsistent application of the rules and made outcomes unpredictable for managers and agencies.
- Management didn’t see position definition as a management tool, but rather as an obstacle to be managed around to achieve a desired level of pay. On the flip side, HR offices weren’t involved in the regular management chain, so both groups of organizations talked past each other.

The report also summarized one of the biggest challenges that persists even to today with classification: “There is no unanimity of opinion on what is wrong with the classification or ranking systems, and what should be done to improve them.”¹⁷⁹

To address these issues, the subcommittee proposed that Congress consider:

- bringing all remaining white collar occupations (e.g., including the Foreign Service and the VA medical staff) under a single system.
- removing any definitions of specific levels from statutes and giving the CSC responsibility for developing a more coherent, flexible system
- directing the CSC to develop a standard way of assigning grades, with the ability to approve exemptions for agencies or occupations from this common system, and continuing to audit agencies for compliance
- limiting the bulk of the CSC’s efforts in producing job definitions to only those that were common across agencies rather than those unique to specific agencies
- creating a certification program for classifiers and requiring that staff complete the training prior to working with agencies

In sum, the subcommittee’s view was that “it would be incorrect to say that we are presently in a state of crisis in regard to classification systems” but that “as the complexity of modern government increases in

¹⁷⁹ *Report on Job Evaluation and Ranking in the Federal Government*, 11-13.

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the future, so the inadequacies of the present systems will be magnified until a crisis does exist.” In their opinion, “piecemeal tinkering with the systems ... solve[s] no basic problems and in fact may hasten the day when the various systems cease to have all but minimal effectiveness...”¹⁸⁰

Based on the recommendations, the committee drafted a bill to rectify many of these challenges and held a series of hearings through the late summer and winter of 1969.¹⁸¹ This bill, H.R. 13008, became the Job Evaluation Policy Act, or JEPA, of 1970¹⁸² after it passed both houses unanimously and President Richard M. Nixon signed it into law in March of 1970. This was the last time Congress passed major reform legislation touching the federal classification system until locality pay was added in the 1990s.

For the most part, the JEPA followed the recommendations, but with diminished scope relative to some of the most sweeping changes the report proposed. Rather than specify many of these changes in statute, the law directed the CSC to undertake a few activities and report back to Congress. Specifically, it directed the CSC to plan a “coordinated system of job evaluation” that outlined the methods agencies should use to grade positions and a schedule for moving agencies to this new system; authorized the CSC to grant exceptions to agencies; and required it to submit progress reports to Congress and, within two years of the act’s passage, submit a comprehensive final report with recommendations for further legislative action necessary to operationalize the system.¹⁸³

In the following years, the Subcommittee on Position Classification became the Subcommittee on Employee Benefits while the CSC began its work on the studies Congress had directed by establishing a Job Evaluation and Pay Review Task Force. In March 1971, the CSC sent the committee an interim progress report, which outlined its research interests and initial thoughts about how to establish evaluation systems that made sense for various parts of the federal government.¹⁸⁴ The task force finalized its report in December 1971, and the CSC sent it to Congress in January 1972. That March, the full CSC sent a final report to the president, who forwarded it to Congress in May.¹⁸⁵

The task force agreed in large part with the committee’s diagnoses of the present system and proposed replacing it with “The Coordinated Job Evaluation Plan,” which would replace all of the existing systems.

The group’s central recommendation concerned the process that agencies used for “ranking” or grading a position to determine the appropriate GS grade. Under the prior system, agencies applied a variety of techniques, sometimes referencing CSC guidelines where they existed, to compare a position description

¹⁸⁰ *Summary of Activities and Program of the Subcommittee on Position Classification of the Committee on Post Office and Civil Service House During the First Session of the Ninetieth Congress*, Committee Print No. 91-2 (U.S. House of Representatives, 1969). 9

¹⁸¹ *Summary of Activities of the Committee on Post Office and Civil Service During the Ninety-First Congress*, Committee Print No. 91-16 (U.S. House of Representatives, 1971). 50

¹⁸² Job Evaluation Policy Act of 1970, Pub. L. 91-216, 84 Stat 72 (1970)

¹⁸³ *Id.*

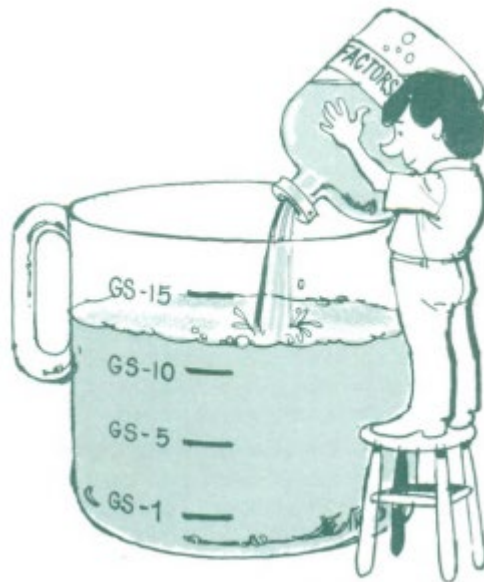
¹⁸⁴ United States Civil Service Commission, *Interim Progress Report of the Job Evaluation and Pay Review Task Force of the United States Civil Service Commission* (1971), <https://www.govinfo.gov/content/pkg/CPRT-92HPRT58754O/pdf/CPRT-92HPRT58754O.pdf>.

¹⁸⁵ *Proposals to Reform Federal Classification Systems: Hearing before the Subcommittee on Employee Benefits of the Committee on Post Office and Civil Service*, U.S. House of Representatives 92nd Congress, 2nd Session (1972). 2.

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with the broad statutory definitions for each grade level in the Classification Act of 1949. This, the taskforce said, led to variation and the perception that classification was an arcane art rather than a management science and led to resentment and confusion in the workforce about why positions were assigned their grade levels.

To solve this, the commission proposed to restrict this type of “whole job” analysis to just a few cases (e.g., executives and tradesmen) in which it was impossible to disentangle jobs into discrete duties. For all other positions, the task force recommended adopting a point-factor rating scheme as the basis for all decisions. In this model, the CSC would generate rubrics for each occupation that would include descriptions of complexity levels for a variety of factors (e.g., scope of role, work environment, organizational span of control, specialized knowledge, etc.). Each complexity level would be assigned a point value (e.g., 100 points for only needing to coordinate with people in one’s department, 150 for jobs requiring coordination across agencies). The point values would then be totaled up to produce a grade level. This was intended to remove a degree of subjectivity from the classification and grading process; the CSC would provide the rubrics, and all agencies had to do was grade according to the book, rather than divine what made a position a GS-5 or GS-6 by applying the vague statements in the law anew each time.



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While this topic was the central focus of the report, the group also agreed with the subcommittee that the existing system was too complicated. In response, it ended up producing its own (complicated) system to apply this principle across the government’s many work modalities. Their “coordinated” plan proposed was really *six* different classification systems that mixed and matched a set of procedures to apply to different slices of the federal workforce:¹⁸⁷

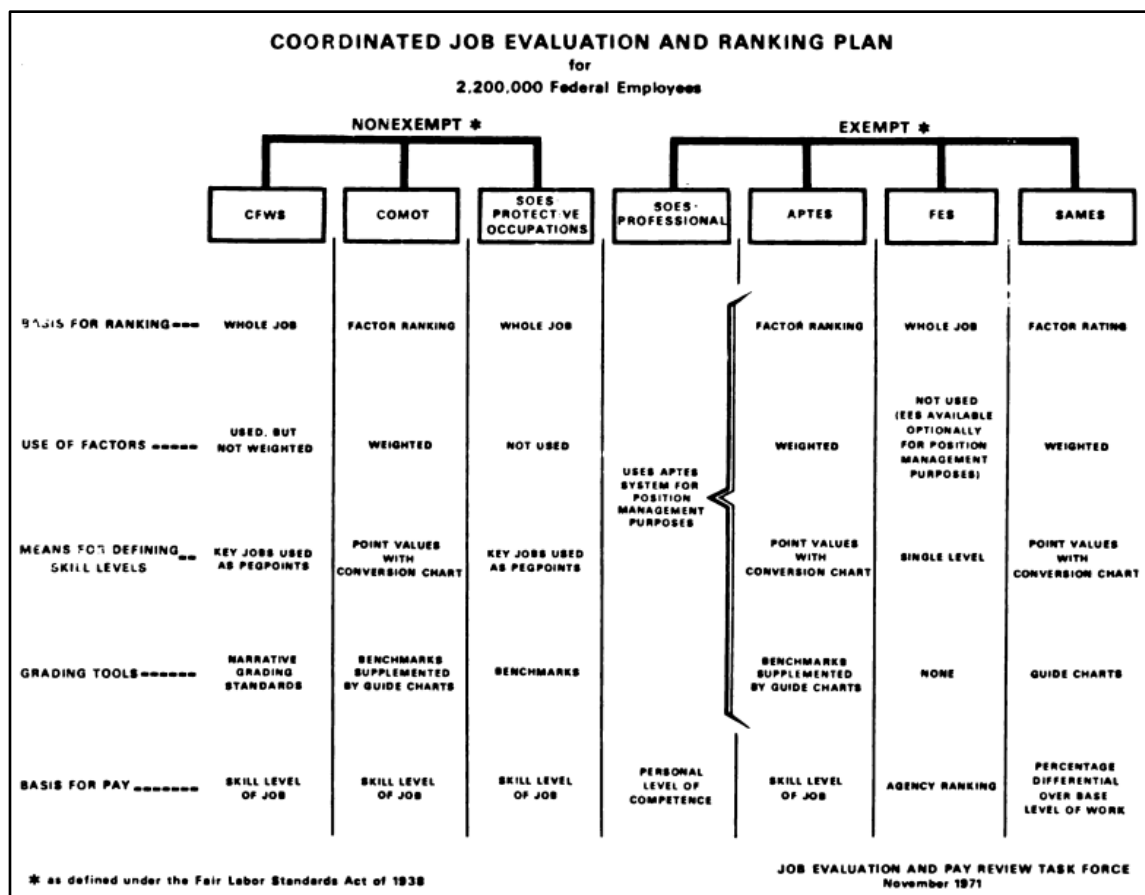
¹⁸⁶ “The Factor Evaluation System And You... A New Method of Position Classification,” Internal Revenue Service, 1977. 4

¹⁸⁷ Job Evaluation and Pay Task Force, U.S. Civil Service Commission, *Report of the Job Evaluation Task Force to the United States Civil Service Commission*, No. 16, Committee Print (Submitted to the Subcommittee on

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- Federal Executive Service (FES) – Concerning executives, this plan would grant agencies complete flexibility to determine jobs, determine pay, etc. Agencies would be free to rank, grade, and classify these roles based on the “value to the organization and their duties” rather than working inside of a more cumbersome system.
- Supervisor and Manager Evaluation System (SAMES) – This would cover ~200,000 supervisors and managers who sat just below the executive level and decomposed their work into compensable, point-valued factors mostly related to supervisory skill rather than the type of work they supervised (e.g., supervisor function, scope of work, accountability, etc. rather than technical supervision).
- Administrative, Professional, and Technological Evaluation System (APTES) – This would cover 600,000 nonsupervisory white collar employees and would involve the CSC producing a set of point-factor benchmarks for each occupation that agencies could use in evaluating positions.
- Clerical, Office Machine Operation, and Technician Evaluation System (COMOT) – This would cover about 525,000 other nonsupervisory roles in a system similar to the APTES, with point-factor benchmark job descriptions being made available to agencies in each occupation.
- Coordinated Federal Wage System (CFWS) – The modern version of the wage-board system, the CFWS envisioned leaving that system alone and allowing it to continue to focus on paying prevailing wages for skilled trades based on local conditions.
- Special Occupations Evaluation Systems (SOES) – This was the catch-all for roles that the task force determined didn’t make sense to put under one of the other systems. This could be for several reasons: cases where the agency needed complete flexibility to move people around (e.g., in the case of FBI agents), those where “normal” methods of evaluating jobs based on tasks (e.g., teaching, where variation is based entirely on skill rather than duties), or instances where the occupation was a “closed system” (e.g., the Foreign Service) where most people started at the bottom of a long career and where the system could be granted its own self-regulating internal logic.

Employee Benefits of the Post Office and Civil Service Committee, U.S. House of Representatives, 1972). Vol. I, 25-43.



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While this change in grading and ranking procedures was the central thrust of what the group was set up to work on, it had obvious ties with compensation policy. After proposing a new method for assigning people to categories that drive their compensation, it was natural for the task force to discuss whether a 15-grade General Schedule was the right set of categories in the first place.

In several of these systems, as a result, the proposal was a radical departure from the status quo, arguing that the existing system did not adequately address market comparability, but was rather “basically internal-relationship oriented.”¹⁸⁹ The task force recommended, for example:

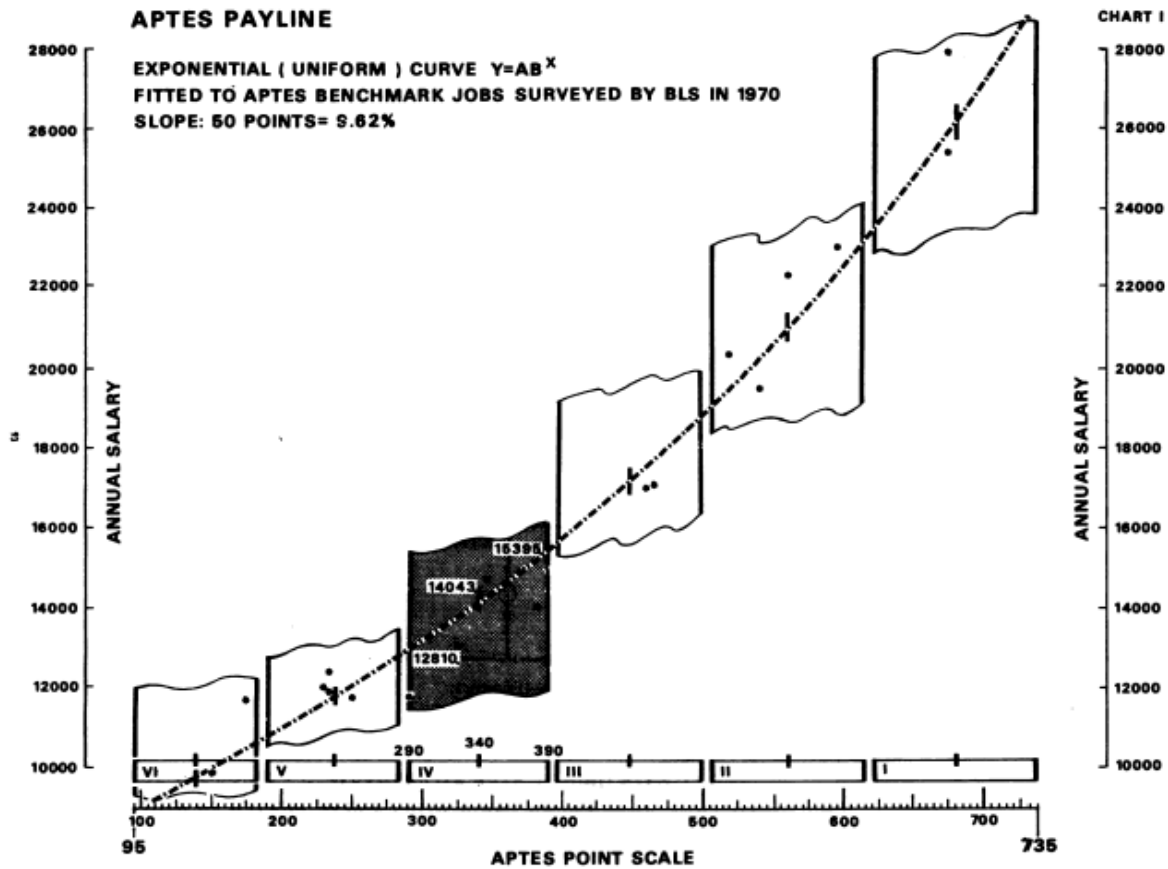
- Allowing agency heads complete flexibility to set pay for executives inside of a maximum government-wide salary established by the CSC.
- A system in which most supervisors and managers are given a “supervisory rank” rather than a pay grade, entitling them a salary level relative to the work they supervise. For example, a first-line supervisor could be paid 110 percent of the base level for the work they supervise, and the pay plan for those in the chain of command above them could be extrapolated by applying a standard spread to that salary.

¹⁸⁸ Id. at vol. I, 26.

¹⁸⁹ Id. Vol. II, iv.

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- For nonsupervisory, white collar work, defining each occupation into six “skill levels” and creating pay bands for each level based on surveys of the nonfederal employment market. These skill levels would be driven by the sum total of points assigned during position grading.



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- For specific professions, developing models that accommodated the need to recognize “personal competence” and not longevity or specific job duties. This would include teachers, scientists, etc. for whom the difference in compensation is strictly based on skill and knowledge (which can correlate with seniority or tenure but doesn’t always or necessarily do so).

In the Task Force’s view, this system was sufficiently broad to permit almost all jobs and agencies to inhabit at least one or more parts of it. Since the basis of the system would be the use of point-factor rating for almost all non-supervisory, white collar jobs, it would be easy for lay people to understand and simple to implement. Exceptions would be limited to only a few specific cases: government corporations (e.g., the Tennessee Valley Authority), the Postal Service, the government of the District of Columbia, lighthouse keepers, seamen, census enumerators, non-citizens, part-time employees, medical students, and other edge cases.¹⁹¹

¹⁹⁰ Id. at app. XI, 378.

¹⁹¹ Id. at vol. I, 49-50.

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Taken together, the reforms proposed by the Task Force represented both significant continuity with and a series of novel breaks from the goals and values that had governed the personnel system through at least the 20th century. Rather than, for example, being concerned about internal equity between different groups of government employees, it was instead concerned about equity only within employees who were in similar positions across the public and private sector. It also began to acknowledge that, for many roles in an increasingly analytical and technical economy, differences between people were more driven by the “impact of the man on the job” rather than just the job itself. On the other hand, the system was still highly complex and tried to segment out different types of work into highly specialized categories (e.g., trying to have three separate but similar systems for non-supervisory office workers) that echoed some of the same mistakes that the Classification Act of 1923 made and led to the creation of the General Schedule in the first place. In either case, this type of overhaul would require an act of Congress but could fundamentally change the way the civil service operated.

Further legislative reform stalls

Congress clearly envisioned such a transformative proposal when it passed the JEPFA and authorized the work in the first place. The law required the CSC, as part of its final report on the topic, to submit legislative proposals to operationalize its recommendations. In the report of the Task Force, they allude to legislative proposals being developed to match these proposals but suggest that those will be transmitted to Congress with the final report of the CSC which will satisfy the requirements of the law.

While it is not clear whether a copy of the CSC’s final report from May of 1972 has survived for contemporary researchers, it is clear that those legislative proposals never made it to Congress amid opposition from the White House, CSC, and the Bureau of the Budget.

It appears that the White House’s ambivalence towards structural reform began to build towards the end of the project. Even before the final report was submitted, an amendment to the original statute was proposed to extend the sunset date of the Task Force by 6 months to ensure continuity during hearings on their recommendations. After clearing the subcommittee, “the Civil Service Commission and the Office of Management and Budget came out unexpectedly in opposition to the bill” and it died in committee, causing the sponsor to wonder whether “the objectivity of the task force was being jeopardized.”¹⁹² When the report did make it to Congress, the message from President Nixon to Congress accompanying it explained the deficiency this way: “[the] Task Force has made many other recommendations which would require legislative action and which deserve more careful consideration than has been possible to date.”¹⁹³

This caused some consternation from both Congress and the task force itself. In May 1972, a few weeks after the report arrived from the CSC without legislation, at a hearing on the topic the Subcommittee chairman alluded to the Nixon Administration’s reticence to engage further on the topic, noting that “it appears the Commission has not accepted the bulk of the Task Force’s recommendations. Yet, to date we

¹⁹² *Summary of Activities of the Committee on Post Office and Civil Service During the Ninety-Second Congress First Session*, Committee Print No. 15 (U.S. House of Representatives, 1971), <https://www.govinfo.gov/content/pkg/CPRT-92HPRT69435/pdf/CPRT-92HPRT69435.pdf>, 26

¹⁹³ U.S. Congress, Congressional Record, 92nd Cong., 2nd sess., May 2, 1972, vol. 118, pt. 12, 15286.

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have been presented with no detailed reasoning to support this failure.”¹⁹⁴ This sentiment was echoed by the director of the task force during the same hearing who expressed concern that “after 4 years of study and work supplemented by a significant number of public statements....that the Administration is reticent in its reaction to the Task Force report.”¹⁹⁵

In June, the Chairman of the CSC testified before the same Committee to explain itself, revealing that their reticence was less about the substance of the recommendations and more about political coalition management.

The CSC, the Chairman explained, was in agreement about the first tranche of recommendations about the adoption of point-factor rating but couldn't agree on what to do about the pay proposals being floated by the taskforce to match. For point-factor rating, no legal changes were required to implement and the CSC agreed to adopt the recommendation pending trial runs.¹⁹⁶ For the pay proposals, the CSC felt that “[w]hile there are certainly very persuasive arguments in favor of some of these pay proposals, we decided that the evidence is not conclusive to seek legislation at this time” and that “we were not able to convince a number of people of the merits of some of the proposals.”¹⁹⁷

The problem, in the view of the CSC's Chairman, was that these proposals were actually *ahead* of their time and that the classification and pay problems in the federal government hadn't gotten so acute that people were willing to move off the status quo. In a remarkable statement, he points out that it's almost impossible to get people to agree to forward thinking personnel policy changes and that, absent a clear crisis, “you find that everyone, even those who have talked very much about reform, go[] into a shell when it comes to getting behind it and selling it.”¹⁹⁸ While “the commissioners and our staff pretty much were in consensus with the task force” they felt they couldn't navigate political opposition from other stakeholders to a plan like this and therefore decided to avoid the question until later. The Task Force's work should be understood, then, as “a very profitable investment in the future” when the political window opened for reform.¹⁹⁹ Both the CSC and Congress agreed to work together more on the issue in the future.

After testing the point-factor rating system through the middle part of the 1970s, the CSC approved the system for adoption across government in December of 1975 and that marked the last meaningful change to the federal government's classification system with regard to grouping and ranking roles. The CSC began revising the position classification standards to support this work and agencies transitioned to using this system for assigning jobs to grades on the GS scale and rolled them out starting in the late part of the decade.

¹⁹⁴ *Proposals to Reform Federal Classification Systems: Hearing before the Subcommittee on Employee Benefits*, 1

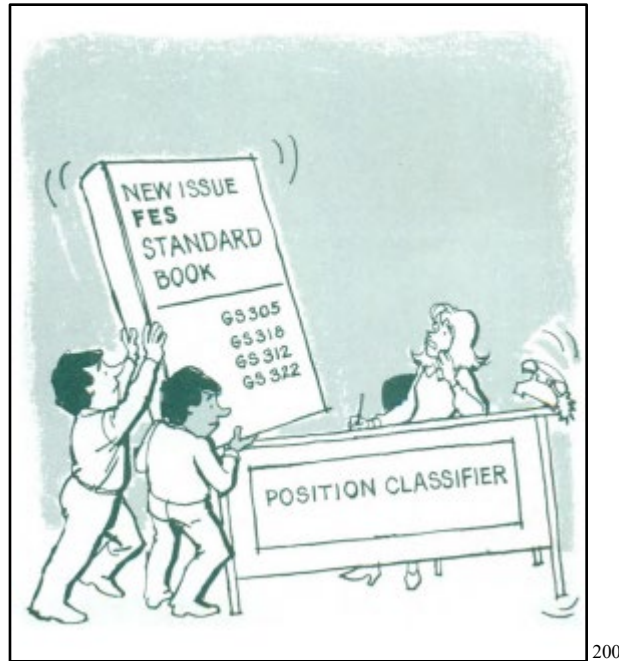
¹⁹⁵ *Id.* at 4.

¹⁹⁶ *Id.* at 208.

¹⁹⁷ *Id.* at 209.

¹⁹⁸ *Id.* at 213-214.

¹⁹⁹ *Id.*



The end of Cycle 4: The long, slow destandardization of the General Schedule (1975–Present)

While the CSC was hard at work implementing the point-factor rating system, interest in more comprehensive reform continued, albeit in fits and starts. More presidential blue-ribbon commissions, for example, studied the issue and kept hammering on many of the same themes as the Task Force had in 1972.

In 1975, President Ford established the President’s Panel on Federal Compensation, chaired by Vice President Rockefeller, to look into whether there were major changes needed to the pay system.²⁰¹ With regard to classification, the panel argued that the GS system was too focused on internal alignment between “different kinds of occupations, each of which is treated the same in the Federal service but often very differently in the private sector” at the expense of “external alignment” with the private sector.²⁰²

This Panel recommended that the GS system be split into a Clerical/Technical Service which would be paid based on the prevailing local wages or based on geography and a Professional/Administrative/Managerial/Executive Service which would be nationwide. They also recommended that the executive branch be given the authority to establish special occupational schedules

²⁰⁰ *The Factor Evaluation System And You... A New Method of Position Classification*, 10.

²⁰¹ *Report to the President of the President’s Panel on Federal Compensation* (U.S. Government Printing Office, 1975), v.

²⁰² *Id.* at 9.

in cases where the standard system didn't make sense. These recommendations, however, are relatively lightly detailed and limited in scope.²⁰³

The Civil Service Reform Act of 1978 and studies of the 1980s

In 1977, President Carter also launched his own study group on personnel policy, the Personnel Management Project, to inform his own agenda around civil service and workforce reform. This effort largely focused on issues besides fundamental changes to the classification and pay system: streamlining the hiring process, further decentralizing activity to agencies, streamlining the process for firings, protecting merit systems principles from abuse, improving labor-management relations, executive management, and the structure of central policy offices. They recommended many changes which became the basis of the 1978 Civil Service Reform Act (CSRA),²⁰⁴ which created the Senior Executive Service, greatly streamlined several aspects of hiring and firing, and split the CSC into the Office of Personnel Management, Federal Labor Relations Authority, Merit Systems Protection Board, and Office of Special Counsel.

On pay and classification, they echoed some of the recommendations of both the Task Force and the 1975 panel, centering itself on the principle that federal pay be “comparable” with the private sector when considering the total compensation of an employee. They also reiterated the suggestion that the president propose legislation to divide the GS into “two or more homogenous occupational groupings of employees with national pay rates for some occupations and local rates for others.”²⁰⁵ It also suggested creating a pay banding system for management with no steps and requiring movement within a given band “solely on the basis of merit” rather than seniority or tenure.²⁰⁶ However, much like the 1975 report, these recommendations did not achieve the same level of technical detail as the Task Force’s recommendations from 1972 and, while they had significant influence on the compensation system for the new Senior Executive Service, did not result in major changes to the classification system.

Just a few years later, in late 1980, the heads of the recently-renamed OPM and OMB initiated a study by an interagency working group on position classification with an eye towards reform. The report of this group, entitled “A Federal Position Classification System for the 1980’s” was delivered in the Spring of 1981 and studied these issues more comprehensively than either of the previous presidentially directed groups. In this study, the group investigated a number of potential reforms and made recommendations, including:²⁰⁷

- **Rank in Position:** After discussion, recommending that the federal government retain its existing rank-in-position structure rather than adopting a broader rank-in-person structure like the military or Foreign Service.

²⁰³ Id. at 9-15.

²⁰⁴ Civil Service Reform Act of 1978. Pub. L. 95-454, 92 Stat 1111 (1978).

²⁰⁵ *Personnel Management Project: Final Staff Report* (President’s Reorganization Project, 1977). 157.

²⁰⁶ Id. at 159-160.

²⁰⁷ *A Federal Position Classification System for the 1980s - Report of the Classification Task Force* (U.S. Office of Personnel Management, 1981).

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- **Market-Sensitivity:** The group agreed that the system needed to be more market sensitive but was “not persuaded that splitting the [General] schedule is appropriate at this time.” However, they did support taking the number of grades and grade-level definitions out of statute to provide flexibility for a future Administration to study and adjust them.
- **Supervisor Pay:** The group agreed that supervisors needed additional pay differentials from the teams they supervised and that legislation authorizing within-grade movement for supervisors would achieve that. They also suggested piloting a separate pay system for supervisors outside of the regular GS system and seeing whether that worked before looking further into reform.
- **Locality Pay:** Develop a locality pay system that applies to all positions within the GS by adjusting salaries upwards (but not down) from a standard pay table each year using updated data about the labor market in a series of different locality pay areas.
- **Pay Flexibility** - In addition to existing authorities to hire above the minimum rate for a grade level, the group suggested extending that flexibility to all grade levels. It also suggested creating a simpler set of administrative procedures for OPM to create new special pay tables or other occupational-specific compensation schemes in cases where critical shortages existed.
- **Classification Standards** - The group noted that the new point-factor standards were generally working well at agencies but suggested that OPM was rolling them out too slowly and recommended a 2-year sprint to finish updating all the standards. To keep them up to date, they also recommended establishing a 5-year minimum review cycle to ensure they were kept up to date as conditions changed.
- **Delegation** - The group recommended considering a “gradual delegation of classification authority to managers” and setting mechanisms for holding managers accountable for their choices rather than continuing to centralize classification activity in HR offices.

The group also explored issues like how to organize OPM to best support this work, handle appeals of classification decisions, and other issues that broadly impacted pay and classification issues. Broadly, few of these recommendations were new and fewer saw action during this time period.

Demonstration projects and pilots abound

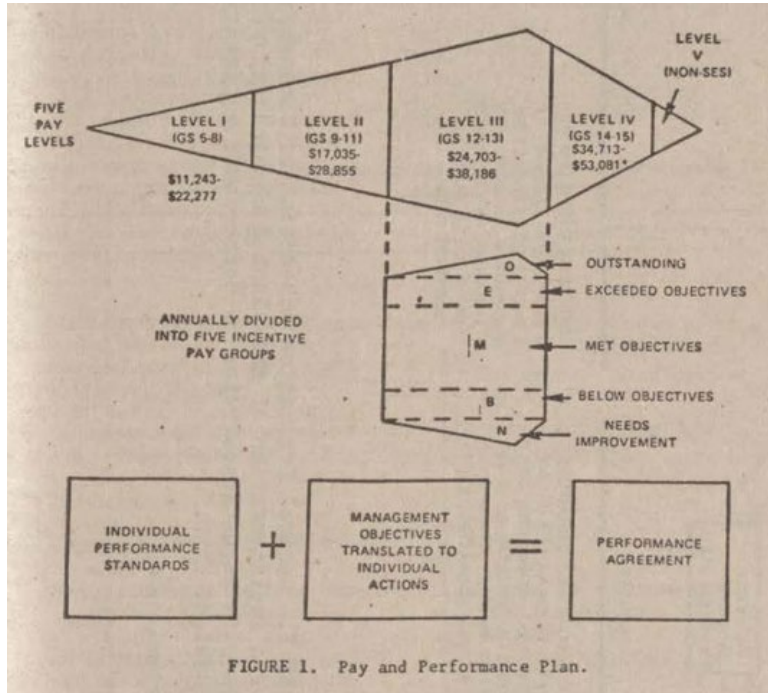
Around the same time that this interagency group was doing its work, OPM began conducting some limited experiments with pay banding and reform ideas that had been proposed during this period.

Having received authority in the CSRA to run “demonstration projects”²⁰⁸ to test deviations from the regular federal personnel system, its first pilot program began in 1980 at the Naval Air Weapons Station (NAWS) China Lake. Under this system, the base was granted flexibility to both change its classification and pay system to a more flexible, banded system more like what the Task Force had envisioned in the early 1970s. In this system, occupations in the program were grouped into occupational families based on similarities between their jobs, rather than based on rigid OPM-dictated occupational guidelines. For each of these occupational families, NAWS was granted the ability to collapse the GS scale into a series of broad pay bands and the flexibility to move people through those pay bands without regard to traditional

²⁰⁸ *Civil Service Reform Act*, 92 Stat 1185.

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classification or promotion rules. Instead, supervisors were authorized to move staff through pay bands based on performance appraisals in a system that was also made more flexible – the result, if working as intended, was to produce a system more like a private sector pay-for-performance model that financially rewarded individual merit.²⁰⁹



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In fact, the Reagan Administration thought so highly of this model that after several years of piloting at China Lake and another naval laboratory, he directed OPM to produce legislation that might enable a system like this across the entire federal government in the Spring of 1986.²¹¹ By the summer, that legislation took the form of the Civil Service Simplification Act (CSSA) which the Administration provided to Congress.

This bill would have, had it been passed, granted OPM the ability to authorize agencies to implement “Simplified Management Systems” that included pay bands, occupational groupings, and the kind of pay-for-performance models that had been piloted at China Lake. It did not, however, envision the kind of comprehensive cross-government system that earlier reform efforts suggested, but rather tried to delegate much of the design of such systems to agencies themselves with OPM’s role being more focused on oversight and approval. It also specifically stipulated that the reform had to be budget-neutral, which was

²⁰⁹ Judith Havemann, “On the Front Lines Of Civil Service Reform,” *The Washington Post*, May 9, 1986, <https://www.washingtonpost.com/archive/politics/1986/05/09/on-the-front-lines-of-civil-service-reform/1a99bc1b-2012-4bc5-a9ba-da1b81cac0e8/>.

²¹⁰ *Proposed Demonstration Project; An Integrated Approach to Pay, Performance Appraisal, and Position Classification for More Effective Operation of Government Organizations*, 45 Fed. Reg. 26504 (April 18, 1980), https://archives.federalregister.gov/issue_slice/1980/4/18/26503-26543.pdf. 26507.

²¹¹ Judith Havemann, “Reagan Asks Civil Service Pay Changes,” *The Washington Post*, April 30, 1986, <https://www.washingtonpost.com/archive/politics/1986/04/30/reagan-asks-civil-service-pay-changes/ffe8b2ed-2d1c-47dd-8480-200f7898dc54/>.

not necessarily contemplated by earlier reformers who had expressed an ongoing concern that the federal workforce was *undercompensated* relative to their private sector counterparts.

Despite being introduced in both 1986 and 1987, Democrats controlled both houses of Congress during this period, and the bill received a cool reception from them. At the time, the Chairman of the relevant subcommittee in the House put his opposition this way: “[the administration] portray that proposal as comprehensive pay reform; it is not. The administration’s bill does not address the serious problems which today undermine the comparability process; it merely proposed to alter the classification system. The administration further expects that pay reform should be done in a “budget-neutral” manner. The subcommittee is interested in classification reform, but I, for one, reject the notion that meaningful pay reform can be accomplished in a budget-neutral manner.”²¹² In both years, the bill died quietly in committee.

The First Volcker Commission and the FEPCA

In 1987, yet another commission was established to look at the state of the federal workforce, headed by former Federal Reserve Chairman Paul Volcker, and this time funded and organized privately as opposed to under the auspices of Congress or the White House. This National Commission on the Public Service released its own report in 1989 that outlined a series of challenges with recruiting and retaining the best talent for careers in public service. Largely, the Commission did not discuss classification in its report, but one of its twelve signature recommendations did deal with pay systems and market comparability, largely echoing prior recommendations for a system that better accommodate local variations in pay as opposed to the national system still in use for GS jobs:

Eleventh, the President and Congress should give a higher budget priority to civil service pay in the General Schedule pay system. In determining the appropriate increase, the Commission concludes that the current goal of national comparability between public and private pay is simplistic and unworkable, and is neither fair to the civil service nor to the public it serves. The Commission therefore recommends a new civil service pay-setting process that recognizes the objective fact that pay differs by occupation and by localities characterized by widely different living costs and labor market pressures.²¹³

The following year, the Volcker Commission’s (and its many predecessors’) recommendation for a locality pay system was adopted in one of the last major pieces of legislation related to the structure of federal compensation. In 1990, as part of an annual appropriations bill, President Bush signed the Federal Employees Pay Comparability Act (FEPCA)²¹⁴ that accomplished several long-sought changes to the pay system but largely left the classification system untouched. The centerpiece of the legislation was providing an automatic system for adjusting the basic GS salary tables every year using a formula and a

²¹² *Comprehensive Pay Reform Proposals: Hearing on Serial No. 100-31 before the Subcommittee on Compensation and Employee Benefits of the Committee on Post Office and Civil Service*, U.S. House of Representatives One Hundredth Congress, First Session (1987).

²¹³ *Leadership for America: Rebuilding the Public Service* (National Commission on the Public Service (First Volcker Commission), 1989), <https://ourpublicservice.org/wp-content/uploads/1989/11/72f90b643732333a7f4640180f4b383a-1414082145.pdf>.

²¹⁴ Federal Employees Pay Comparability Act, Pub. L. 101-509, Sec. 529. 104 Stat 1389 (1990).

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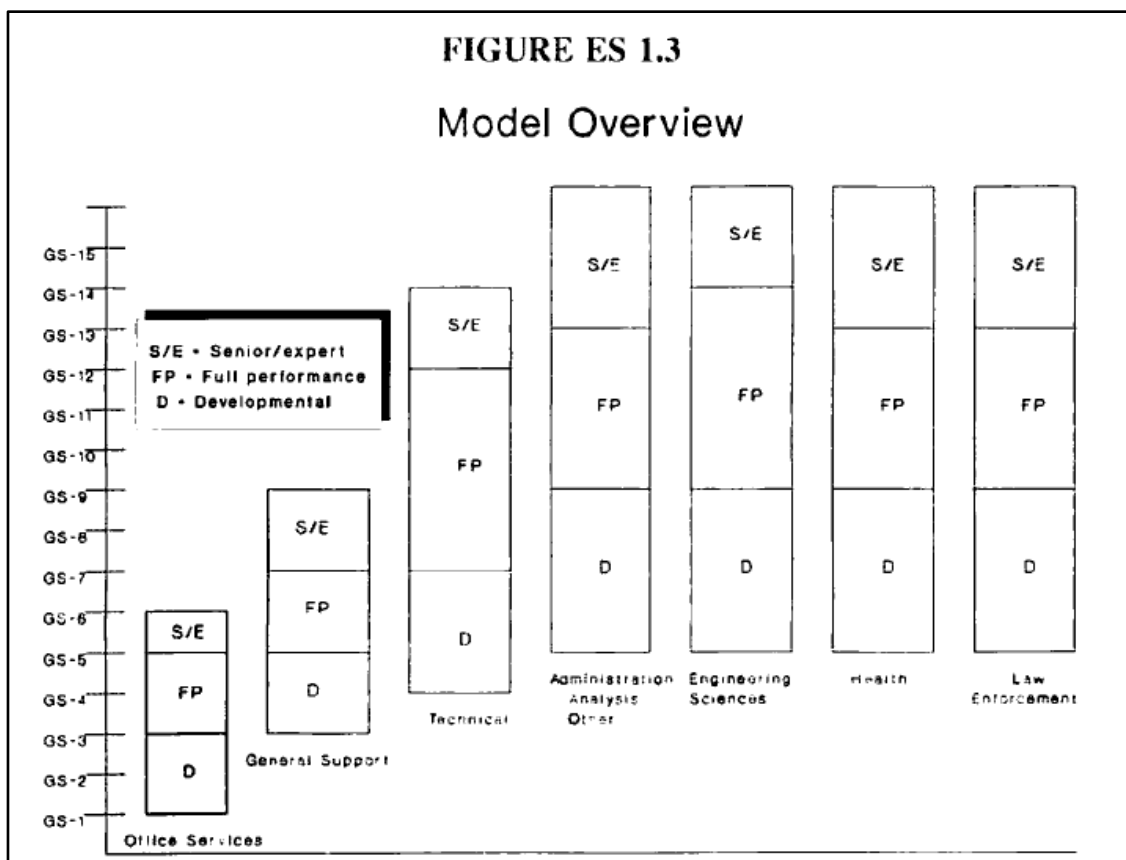
series of inputs from the Bureau of Labor Statistics, in an attempt to avoid situations where political considerations led Congress and the successive presidents to avoid pay raises over the years. It also established the locality pay system to provide employees in certain labor markets with additional increases over the basic GS salary tables based on regional variations in the cost of labor. It also made several technical amendments to OPM's authority to create special pay tables, authorize recruitment bonuses, etc. and finally removed the top 3 grades from the GS by moving all senior level positions into the same set of pay bands.

However, despite Congress's intention to create a system whereby pay adjustments were automatic rather than politically motivated, each year since the passage of the FEPCA the president has exercised his authority to circumvent the law and submitted an alternative pay plan that fixed salaries independently of the formula. As a result, the practical impact of the FEPCA has been limited and the locality pay system has been its major enduring change rather than some of the other provisions envisioned by its drafters.

The NAPA model

In 1991, still another report examined the question of classification reform, this time commissioned by a group of federal agencies and conducted by a panel of experts at the National Academy of Public Administration. This study, rather than enumerate an exhaustive list of issues with the system, took prior criticism as a given and set about imagining a new system entirely. In the NAPA model, all of the occupations within the existing system would be collapsed into a small number of occupational families for office services, general clerical support, technical work, administrative and management work, analytical work, engineering, sciences, health, law enforcement, and an "other" category for other white collar jobs like social science, math, accounting, and procurement.²¹⁵ For each of these groupings, then, 3 broad pay bands would be established by OPM for use across the government: one for developmental roles like interns or trainees, one for full performance roles, and one for senior and expert positions. The bands would be *related* but not necessarily identical:

²¹⁵ *Modernizing Federal Classification: An Opportunity for Excellence* (National Academy of Public Administration, 1991). xx, xxi



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A key feature of this model which varied from many prior recommendations, was the suggestion that agencies could determine their own job structure and systems inside of these broad definitions. For example, in the NAPA model, an agency could decide to set more finely graduated steps within those pay bands or subdivide the occupational families into more discrete occupations and set up specific career ladders within them. In NAPA’s view, this was an attempt to achieve a better “balance between consistency and flexibility” and recast OPM’s role as providing government-wide standards but not dictating to agencies exactly how to define their jobs or set pay for specific roles.²¹⁷ It would also enable performance-based approaches to within-band movement if agencies were interested in adopting them.

In suggesting the model to OPM, NAPA argued that the system would achieve “integrity through simplicity” and solve many long standing problems: it would be simpler to manage, give greater responsibility to supervisors, and more clearly link the personnel system to the more general nature of work that was predominating as the country shifted from a manufacturing to a primarily services economy.²¹⁸ Unlike the Reagan Administration’s proposal, however, it also took seriously the need for some kind of government-wide standard to govern how agencies operated and retained a stronger role for OPM in overseeing the process rather than simply overseeing delegation to agencies.

²¹⁶ Id.

²¹⁷ Id. at 49.

²¹⁸ Id. at xiii-xviii.

Clinton's Reinventing Government initiative

Although the NAPA model was not implemented, it caught the attention of the incoming Clinton Administration who went further than their predecessors by establishing not just a blue-ribbon committee to review government operations but to set up a long-term initiative, under the leadership of Vice President Gore, to implement a management agenda. This initiative, first called the National Performance Review and then the National Partnership for Reinventing Government (both conveniently known by their shared acronym, NPR), began with a long report in 1993 that outlined their goals.

Amid many recommendations for reshaping the government with technology, de-proceduralizing agency work, etc. it included a set of recommendations about the classification system that directly cited the NAPA model as a goal. According to the NPR, to “create an effective Federal Government, we must reform virtually the entire personnel system: recruitment, hiring, classification, promotion, pay, and reward systems. We must make it easier for federal managers to hire the workers they need, to reward those who do good work, and to fire those who do not. As the National Academy of Public Administration concluded in 1993, ‘It is not a question of whether the Federal Government should change how it manages its human resources. It must change.’”²¹⁹

This report then outlined a series of actions that the administration intended to take to modernize the system:²²⁰

- Phasing out the Federal Personnel Manual, which was the many-thousand-page handbook that OPM published on an ongoing basis to dictate to agencies how to process personnel actions.
- Devolving all recruiting and selection action to agencies, abolishing any requirement for OPM to screen candidates on behalf of agencies prior to their appointment.
- “Dramatically simplify the current classification system” by removing the GS’ grade-level descriptions from the law and moving to a broad band system like the one outlined in the NAPA report. OPM would develop a general banded system but would allow alternative systems to be piloted at other agencies if that agency could demonstrate a successful pilot.
- Delegate authority for designing their own performance management systems to agencies to match these other reforms and allow them to better align pay and performance management outputs.

In the end, the Clinton Administration did accomplish some of these activities, particularly its focus on streamlining internal government procedure and delegating authority to agencies for personnel policy but Congress did not act on its bolder vision for comprehensive reform of the classification system along the lines of the NAPA model preferred by the Clinton Administration. Instead, the Administration continued to launch demonstration projects like the China Lake experiment to test versions of this model, including extending an ongoing trial on performance management at the National Institute of Standards and Technology (NIST), trying the NIST model at the rest of the Department of Commerce, creating a new

²¹⁹ *From Red Tape to Results: Creating a Government That Works Better & Costs Less* (National Performance Review, 1993). 22.

²²⁰ *Id.* at 20-25.

banded system at the Naval Research Laboratory and Naval Sea Systems Command Warfare Centers that was similar to the China Lake pilot, and another banded demonstration project for civilian defense acquisition professionals called “AcqDemo.” It also established a small number of Performance Based Organizations (PBOs) with flexibility from traditional HR rules in places like Federal Student Aid, the Federal Aviation Administration (FAA), and the US Patent and Trademark Office. Almost all of these pilot projects and exception cases are still in use today across government as they have been neither expanded nor shut down.

However, as a side effect of other Clinton-era initiatives to reduce the size of government, this period was marked by dramatic reductions in staff capacity for agency HR officers that had unintended consequences for many agencies’ ability to handle the day-to-day work of managing agency systems.²²¹ In many ways, this hindered agencies ability to operate even the systems they had and contributed to a broader degradation in human capital service levels across government as staff were cut without a corresponding change in their duties and functions. Had the Clinton team succeeded in carrying out the ambitious simplifications outlined by the NPR, staff reductions would have made sense but having failed to accomplish the reform they merely hobbled agencies further.

The Early George W. Bush administration and the second Volcker Commission

When George W. Bush took office in 2001, he put his own spin on the management focus that the Clinton team had displayed. In 2002, his Administration launched the first President’s Management Agenda (PMA), which outlined the Bush team’s focus areas for management and operational reform. Every president since Bush has issued this kind of document subsequently, usually with some degree of focus on workforce and civil service reform issues.

In the Bush Administration’s inaugural PMA, the first priority area is “Strategic Human Capital Management.” The problems the Bush team identified were in part due to their predecessors’ sloppy downsizing efforts but also echoed many of the same complaints with the system as their predecessors did. On classification and pay, they argued that “Federal personnel policies and compensation tend to take the same ‘one-size-fits-all’ approach they took in 1945. Excellence goes unrewarded; mediocre performance carries few consequences; and it takes months to remove even the poorest performers. Federal pay systems do not reflect current labor market realities: under current law, the entire General Schedule that covers almost every kind of white collar occupation must be adjusted by a single percentage in each of the 32 localities in the contiguous 48 states.”²²² The ensuing discussion of goals, however, set the Administration’s sights for reform somewhat lower, emphasizing that “while the Administration will be seeking some targeted civil service reforms, agencies must make better use of the flexibilities currently in place.”²²³

²²¹ Gabe Menchaca, *From Gore to DOGE: The Bipartisan History of Failed Workforce Reform* (2025), <https://www.niskanencenter.org/from-gore-to-doge-the-bipartisan-history-of-failed-workforce-reform/>.

²²² *The President’s Management Agenda* (Office of Management and Budget, 2002), <https://georgewbush-whitehouse.archives.gov/omb/budget/fy2002/mgmt.pdf>. 11-12

²²³ Id. at 13.

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To operationalize these suggestions, OPM issued a report called “A Fresh Start for Federal Pay”²²⁴ in 2002 in an attempt to provoke an “honest discussion” of the state of federal classification and compensation systems, “warts and all.” In their telling, which did not make substantive recommendations, the GS system was “market insensitive,” “performance insensitive,” and had “an excess of internal equity,” echoing many now-familiar criticisms by successive reports and Administrations.²²⁵

These same criticisms were echoed by a second Volcker Commission, which began its work in early 2002.²²⁶ Once again, this commission argued that “personnel systems are immune to performance” because it made “few distinctions between hard-working high achievers and indifferent non-achievers” as a result of the stringent requirements in the GS and the locality pay system.²²⁷ Taking a stronger position than its previous recommendations, however, this time the Volcker Commission recommended directly that “the General Schedule classification system be abolished” and recommended that the system be collapsed into six-to-eight broad pay bands with management flexibility to adjust pay within those bands.

While the second Volcker Commission’s report is neither the most comprehensive nor the most radical proposal considered during the long period of study, it represents a good example of where the broad field of federal “management reform” thinking had landed in the early 2000s after decades of debate: a general preference for pay banding versus the rigid GS system, a focus on performance without much sense for how to accommodate the federal government’s unique incentive structure, and above all else a sense that *anything* would be better than the system as it existed.

Congress had been generally cool to these types of proposals during this time period, however, and so the existing system prevailed year after year despite all the attention. The observation that the CSC Chairman made in 1972 held true: “Historically, in this area of personnel administration, legislation usually results when a crisis situation has developed, and it is plain for everyone to see.”²²⁸ Through this period, despite various upheavals around the world and in the United States, that crisis never materialized to galvanize Congressional interest in whole-sale reform of the system.

9/11 and the launch of the Global War on Terror finally changed that calculus. In the years immediately following the attacks, reformers finally got a chance to put many of these ideas into practice. Unfortunately, they largely did not work.

²²⁴ *A Fresh Start for Federal Pay: The Case for Modernization* (U.S. Office of Personnel Management, 2002).

²²⁵ *Id.*

²²⁶ Brookings Institution, “The Quiet Crisis Roars,” February 13, 2002, <https://www.brookings.edu/news/the-quiet-crisis-roars/>.

²²⁷ *Urgent Business for America: Revitalizing the Federal Government for the 21st Century* (The National Commission on the Public Service (Second Volcker Commission), 2003), <https://www.brookings.edu/wp-content/uploads/2016/06/01governance.pdf>, 8

²²⁸ *Proposals to Reform Federal Classification Systems: Hearing before the Subcommittee on Employee Benefits*, 213.

The TSA goes first, piloting pay-for-performance at scale

Following September 11, 2001, Congress moved quickly to reorganize the executive branch in an effort to remedy some of the coordination problems blamed for its failure to thwart the attack. This desire to radically transform a government that many viewed as having catastrophically failed created political will to try new things with personnel policy that had been percolating for a long time but had not necessarily had a broad enough coalition to succeed.

One of the first major reforms passed by Congress was to create the Transportation Security Administration to oversee a substantially beefed up airport security regime in light of the attacks. In creating the agency, Congress decided to avoid placing the TSA into the traditional general schedule and related systems but rather decided to align it with the FAA's model,²²⁹ which provided the head of the agency with significant flexibility. Under the FAA model, in 1995 Congress had exempted the agency from most personnel rules and provided it with flexibility to set its own compensation system.²³⁰ This grew out of ongoing (and continuing to this day) challenges with recruiting and retaining Air Traffic Controllers and support staff given the high degree of technical complexity involved in the FAA's mission. In 1996, Congress further amended this authority by *requiring* that the FAA bargain any changes to that model with their labor partners, which is a significant deviation from the normal GS system where pay is not subject to bargaining at all. This enabled the FAA to create pay bands and offered more flexibility than existed under the GS scale, with one major result being that Air Traffic Controllers were significantly better compensated than roles of similar seniority in the rest of the federal government.²³¹

Given that TSA was initially co-located with the FAA at the Department of Transportation when it was first formed and the obvious overlaps in their missions, the idea to bring them under the same management systems made sense. The system, while not perfect, had worked reasonably well at the FAA. TSA set about creating a series of pay bands for various occupational groups and implemented a similar system to other agencies with similar flexibilities:

²²⁹ Aviation and Transportation Security Act. Pub. L. 107-71, 115 Stat 601 (2001).

²³⁰ *Federal Aviation Administration: Personnel Reform Effectiveness Assessment* (National Academy of Public Administration, 2017), https://s3.us-west-2.amazonaws.com/napa-2021/studies/Federal-Aviation-Administration_Personnel-Reform-Effectiveness-Assessment.pdf.

²³¹ *Id.* at 15.

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TSA Core Compensation Plan Pay Chart for 2020															
Pay Band	A	B	C	D	TSO D	E	TSO E	F	G	H	I	J	K	L	M
Minimum	\$18,753	\$21,484	\$24,334	\$28,013	\$29,413	\$32,167	\$33,776	\$36,914	\$43,207	\$52,700	\$64,214	\$78,341	\$93,651	\$111,930	\$131,991
Maximum	\$27,419	\$31,336	\$36,558	\$42,019	\$42,019	\$48,308	\$48,308	\$55,431	\$66,943	\$81,662	\$99,586	\$121,425	\$143,727	\$169,105	\$170,793
Category															
Student		Level 1	Level 2	Level 3											
Clerical Support			Level 1	Level 2		Level 3		Mgr. 1	Mgr. 2						
Admin. Support				Level 1		Level 2		Level 3		Mgr. 1	Mgr. 2				
Technical Support						Level 1		Level 2	Level 3		Mgr. 1	Mgr. 2			
Paraprofessional								Level 1	Level 2	Level 3		Mgr. 1	Mgr. 2		
Professional								Level 1	Level 2	Level 3	Level 4	Level 5		Expert	
										*SUPV	Mgr. 1	Mgr. 2	Mgr. 3	Mgr. 4	
Technical								Level 1	Level 2	Level 3	Level 4	Level 5	Expert		
										*SUPV	Mgr. 1	Mgr. 2	Mgr. 3		
Engineering								Level 1	Level 2	Level 3	Level 4	Level 5	Expert		
											Mgr. 1	Mgr. 2	Mgr. 3		
Specialized 802 (Eng. Tech.), 856(Elec. Tech.)								Level 1	Level 2	Level 3	Level 4	Level 5			
											Mgr. 1	Mgr. 2	Mgr. 3		

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Under this system, raises and bonuses were distributed based on performance ratings, unlike the General Schedule system under which raises are primarily based on longevity. For example, in 2008, in addition to an across-the-board raise, employees receiving a performance rating of 4 out of a possible 5 earned a 2 percent raise and a \$1,500 bonus; employees rated 5 out of 5 received a 4 percent raise and a \$2,500 bonus.²³³ These raises were not automatic, and varied year over year.

However, unlike many smaller-scale demonstration projects or the FAA’s experience with similar banding systems, the TSA’s was not nearly as well-received. Despite being woven into the DNA of the agency from the very beginning, its personnel system has been plagued by challenges.

Since its inception, TSA has ranked close to dead last among agency subcomponents for employee engagement and satisfaction: 143rd of 218 in 2005, 220th of 222 in 2007, 283rd of 292 in 2012.²³⁴ It’s hardly surprising, then, that the TSA has had astronomically high attrition rates for many years. In a 2019 report by the DHS Inspector General, for example, TSA reported attrition rates between 16 percent and 20 percent among its core Transportation Security Officers (TSO) workforce, and that in some years the TSA lost *thousands more* TSOs than it was able to hire.²³⁵ In 2018, exit surveys for TSA employees “indicated employees were concerned about leadership issues, having experienced a ‘lack of management skills,’

²³² “TSA Core Compensation Plan Pay Chart for 2020,” Transportation Security Administration, January 5, 2020, https://jobs.tsa.gov/Resources/pay_bands.pdf.

²³³ Brittany Ballenstedt, “TSA Announces 2009 Performance-Based Payouts,” Government Executive, November 25, 2008, <https://www.govexec.com/pay-benefits/2008/11/tsa-announces-2009-performance-based-payouts/28123/>.

²³⁴ Partnership for Public Service, “Transportation Security Administration,” Best Places to Work in the Federal Government, accessed December 17, 2025, <https://bestplacetowork.org/rankings/detail/>.

²³⁵ *TSA Needs to Improve Efforts to Retain, Hire, and Train Its Transportation Security Officers*, OIG-19-35 (U.S. Department of Homeland Security Office of the Inspector General, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-04/OIG-19-35-Mar19.pdf>.

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‘unfair practices (e.g., in performance appraisal, disciplinary actions, career advancement, etc.),’ ‘unequal levels of respect,’ a ‘hostile work environment,’ and ‘inadequate communication with the workforce.’ TSOs perceive favoritism and express an inability to voice complaints about issues.”²³⁶ These challenges, in turn, had predictable knock-on effects on service quality: staffing shortages, long wait times, poor interpersonal experience with customers, etc., became common features of air travel during this period, with the TSA getting poor marks from customers. This is intuitive: Miserable people don’t typically provide good customer service.

In 2019, TSA asked a blue-ribbon panel to review its personnel system to determine the causes of these issues and recommend changes. In the panel’s highly critical report, the panel identified “systemic problems” within TSA as a major contributor to many of these issues. Chief among these problems was noncompetitive starting salaries that failed to keep pace with similar private sector roles: “These officers work long hours, have difficult working conditions, and are the backbone of the TSA mission. By some measures, TSO annual pay in some locations lags well behind industry counterparts.”²³⁷

In some cases the panel also found that the problem was actually the design of the TSA’s system itself. For example, the panel noted that in some cases “even with exceptional performance ratings year after year, [a TSO] would take more than 30 years” to reach the top of their pay band and that the bands were largely “illusory” given the TSA’s design.²³⁸ Additionally, members of the panel noted that differences in pay bands by occupational groups had also driven perceptions of unfairness among TSOs: utilizing its flexibility, the TSA had set pay rates for its Management, Administration and Professional roles that exceeded government averages while TSOs lagged behind. This led TSOs to routinely leave for other government agencies that offered better pay and predictable wage growth merely by being in the GS system.

To address these issues, the panel considered several mitigations. This included the question of whether to bring the TSA under the General Schedule, though the panel ultimately encouraged the TSA to just make better use of its existing authorities. Jeffrey Neal, who chaired the panel, echoed these themes in testimony to Congress on the topic:

Finally, the Panel heard many suggestions that TSA transition to the General Schedule to solve pay and hiring problems. If the Panel believed such a move would accomplish those goals, we would agree. We believe it would not. The agencies that use the General Schedule complain about its inflexibility and lack of labor market sensitivity. It still takes 18 years to get to Step 10. General Schedule job classification is governed by classification standards that often take OPM years to develop and infrequently updated. The National Academy of Public Administration, the Partnership for Public Service, and other good government organizations have recommended

²³⁶ ICF Incorporated, *Final Findings and Recommendations: Human Capital Service Delivery Evaluation* (Blue Ribbon Panel for the Transportation Security Administration, 2019), https://www.tsa.gov/sites/default/files/tsa_blue_ribbon_panel_report_execsum.pdf.

²³⁷ Id.

²³⁸ Id.

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replacing the General Schedule with a system that is better suited to today's workforce, versus an outdated system designed for the mostly clerical workforce of 1949.²³⁹

Despite these recommendations, TSA continued to struggle with high attrition rates and poor employee engagement in the years immediately following the report. In 2023, Congress finally acted and, despite the panel's recommendations, elected to bring the TSA into alignment with the GS system.²⁴⁰

This change worked to solve the most acute problem: attrition. Between 2022 and 2024, according to the TSA's own numbers, its attrition rate was "cut nearly in half. It was 15.7% in 2022, dropped to 11.5% in 2023 and is 7.8% so far this year. Officer attrition went from 17.1% in 2022 to 12.5% in 2023 and is 8.6% [in 2024]."²⁴¹ Simultaneously, the TSA began to see improved customer satisfaction as the agency focused more on frontline staff training and customer experience.²⁴² Agency leaders and employees touted the changes as a success.

After 20 years of experimentation, TSA retained its occupational groupings but for the most part gave up on its experiments with pay flexibility — rather than a banded, pay-for-performance model, it adopted a system that closely mirrored the GS with the same within-grade step increase structure that doled out raises based on longevity.

DHS's big attempt at pay-for-performance fails

Almost exactly one year after the TSA was created, Congress sent the Homeland Security Act of 2002 to President George W. Bush, which he promptly signed on November 25, 2002.²⁴³ As the centerpiece of the bill, Congress created the Department of Homeland Security (DHS) and assigned its leadership team the responsibility to merge 22 components from various existing agencies into one, cohesive whole.

Rather than simply lift and shift the various parts of the Departments of Justice, Treasury, Transportation, Energy, Defense, and Agriculture, and other components into a new operating structure under existing civil service rules, Congress also sought to transform the way this new department operated. Among other provisions in the bill related to airline safety, the establishment of the Chief Human Capital Officer role government-wide, and various directions for DHS's bushel of missions, Congress nestled several innovative changes to the new department's management systems. These included exceptions to the traditional acquisitions rules and, notably, the flexibility for DHS to establish a completely new "Human

²³⁹ *The TSA Workforce Crisis: A Homeland Security Risk: Hearing before the Subcommittee on Transportation and Maritime Security of the Committee on Homeland Security*, U.S. House of Representatives 116th Congress, 1st Session (2019), <https://www.congress.gov/116/chrg/CHRG-116hhrg37867/CHRG-116hhrg37867.pdf>, 25.

²⁴⁰ Justin Doubleday, "'Long Overdue' TSA Pay Raises Bring Salaries in Line with Rest of Federal Workforce," *Federal News Network*, July 27, 2023, <https://federalnewsnetwork.com/pay/2023/07/long-overdue-tsa-pay-raises-bring-salaries-in-line-with-rest-of-federal-workforce/>.

²⁴¹ Don Wagner, "One Year Later - Pay Plan's Impact on TSA," *Employee Stories*, July 2, 2024, <https://www.tsa.gov/about/employee-stories/one-year-later-pay-plans-impact-tsa>.

²⁴² Jory Heckman, "TSA Sees Higher Passenger Satisfaction Scores as 'Huge Testament' to Frontline Workforce," *Federal News Network*, February 28, 2024, <https://federalnewsnetwork.com/workforce/2024/02/tsa-sees-higher-passenger-satisfaction-scores-as-huge-testament-to-frontline-workforce/>.

²⁴³ Homeland Security Act of 2002, Pub. L. 107-296. 116 Stat 2135 (2002)

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Resources Management System” that did not have to operate inside of the existing civilian human capital rules as the General Schedule. The idea was that DHS could be a pilot, at scale, for a new personnel system that reflected things the government had learned through the end of the 20th century through demonstration projects and studies.

However, Congress did not cede complete flexibility to DHS. First, it specified that this new system needed to be created in collaboration with the employees who would fall under it, saying that “it is extremely important that employees of the Department be allowed to participate in a meaningful way in the creation of any human resources management system affecting them.”²⁴⁴ Second, Congress also specified a set of design principles that it wanted DHS to use in crafting the eventual system, requiring that the solution “be flexible,” “be contemporary,” align with long-standing merit systems principles, comply with prohibitions on prohibited personnel practices, and retain the right of employees to bargain collectively about “decisions which affect them.”²⁴⁵ They also maintained some government-wide limitations such as aggregate pay caps that limited total civilian compensation and applied broadly across the federal government. Procedurally, DHS was required to collaborate with OPM in promulgating regulations establishing the system and also to conduct “pre-implementation” consultation with Congress and employee groups (e.g., unions). Finally, Congress set a sunset date for DHS’s authority to issue new regulations on this topic: absent further Congressional authorization, DHS had five years to issue and modify its regulations governing the new personnel system before it lost the authority to change them.²⁴⁶

These changes were not the result of consensus within Congress, however, but rather the result of party-line votes by Republicans over the objection of many Democrats. When the bill was initially reported out of committee, for example, House Democrats objected to a drafting process they characterized as rejecting “common-sense, bipartisan amendments to the majority’s proposal” that would have addressed “the majority’s apparent partisan attack on [federal] worker protections.”²⁴⁷ They argued that, “[d]espite the unanimous, bipartisan support this amendment earned in the Government Reform Committee, the majority on the Select Committee [on Homeland Security] rejected it on a straight party-line vote (5–4).”²⁴⁸ The authors of these minority views weren’t backbenchers but rather several members of the Democratic leadership team, including then-whip and future speaker, Representative Nancy Pelosi (D-CA); the chair and vice chair of the Democratic Caucus, Representatives Martin Frost (D-TX) and Robert Menendez (D-NJ) and future Appropriations Committee Chair Representative Rosa Delauro (D-CT).²⁴⁹

Amid the transition period creating DHS, the new leadership team and OPM went to work to craft this new personnel system. In 2003, the secretary of DHS and director of OPM convened a joint HR Systems Design Team made up of DHS managers and employees, HR experts, and professional staff from the agency's three largest Federal employee unions (the American Federation of Government Employees, the National Treasury Employees Union, and the National Association of Agriculture Employees). This team

²⁴⁴ Id. § 841, 116 Stat. 2229.

²⁴⁵ Id. § 9701, 116 Stat. 2230.

²⁴⁶ Id.

²⁴⁷ Select Committee on Homeland Security, *Homeland Security Act of 2002*, H. Rept. 107-609 (U.S. House of Representatives, 2002), <https://www.congress.gov/committee-report/107th-congress/house-report/609/1?outputFormat=pdf>. 219

²⁴⁸ Id.

²⁴⁹ Id. at 223..

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was split up into smaller groups to develop proposals for pay, performance, classification, and labor/employee relations to serve as inputs to the leadership decision-making process. The team took input from employees, engaged with experts, and discussed issues, ultimately creating a set of options for how to handle the various places where DHS had been granted flexibility.

These options focused especially on proposing alternative classification and pay systems. They included:

- Four variations of a “traditional, time-focused” classification system that, similar to the GS system, provided both general adjustments each year and within-grade progression driven by tenure.
- Eight options that linked pay with a performance management system, which “usually (but not always) make use of a streamlined classification and pay banding system that groups similar occupations together in “clusters” that contain up to four pay bands each.”
- Four options that set pay based on specific competencies for groups of positions or occupations and enabled “pay progression based on the acquisition and application of competencies or the evaluation of performance.”
- A proposal to adopt a rank-in-person model similar to the military or Foreign Service, in which individuals were compensated based on their rank and retained that rank when moving into various roles.
- A proposal to allow for complete collective bargaining over pay, performance, and classification models.

A committee, chaired by the inaugural DHS Undersecretary for Management, was set up to review these options, discuss public comments from employee organizations and good government groups, and other considerations. This group, then, provided recommendations to the secretary and the director of OPM, with the two of them making a final decision.²⁵⁰

After this deliberative process, OPM and DHS published their proposal in February of 2004 in the Federal Register for public comment.²⁵¹

The eventual proposal, called MaxHR, focused most on the performance-related aspects of the group’s options and included several key exceptions to the regular civilian personnel system. Chief among these, DHS proposed a system that allowed the Department to create its own classification system based on “broad occupational ‘clusters’ and pay levels (or ‘bands’)” outside of the General Schedule. This scheme involved setting up, for each occupational group, groupings for employees into four broad categories,

²⁵⁰ *Human Capital: DHS Personnel System Design Effort Provides for Collaboration and Employee Participation*, GAO-03-1099 (Government Accountability Office, 2003), <https://www.gao.gov/assets/gao-03-1099.pdf>.

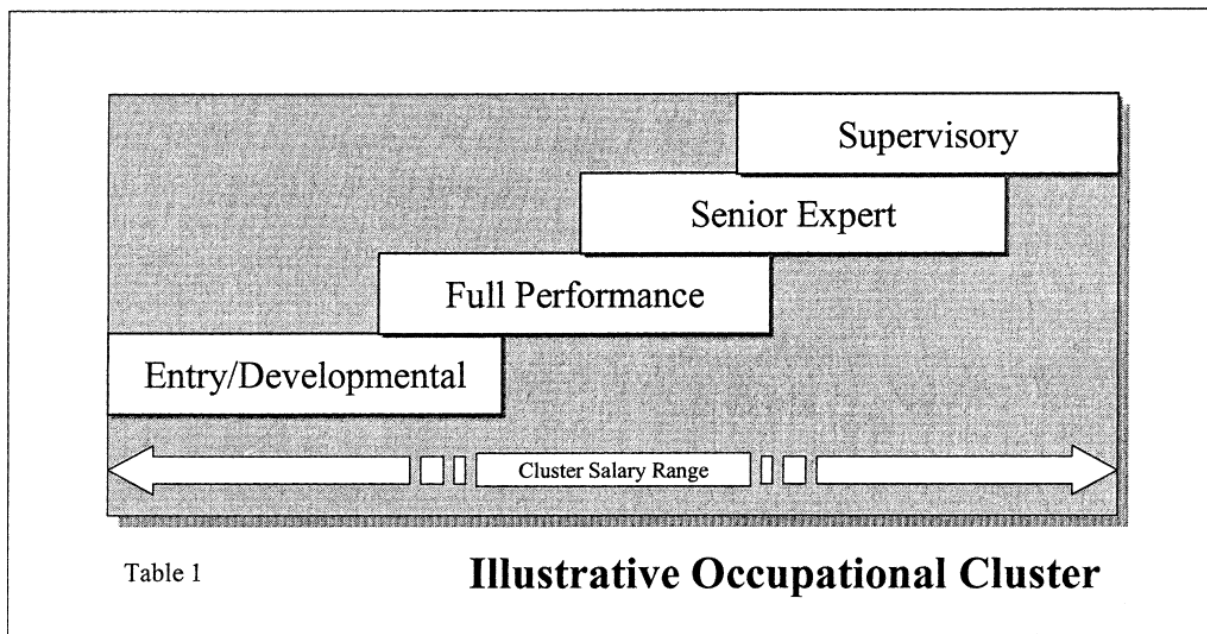
²⁵¹ Department of Homeland Security and Office of Personnel Management, *Department of Homeland Security Human Resources Management System*, 69 Fed Reg. 8030 (February 20, 2004), <https://www.federalregister.gov/documents/2004/02/20/04-3670/department-of-homeland-security-human-resources-management-system>.

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defined in by DHS this way:

- Entry/Developmental—Employees in positions assigned to this band focus on gaining the competencies and skills needed to perform successfully at the full performance level.
- Full Performance—Employees in positions assigned to this band have completed all necessary entry-level training and/or developmental activities and have demonstrated they can perform the full range of non-supervisory work required for positions in that occupation. Employees assigned to positions in this band will be evaluated primarily on their contributions to the mission of DHS.
- Senior Expert—Positions assigned to this band will be reserved for a relatively small number of non-supervisory employees who possess an extraordinary level of technical knowledge or expertise upon which DHS relies for the accomplishment of critical mission goals and objectives. Typically, entry will be controlled and/or competitive.
- Supervisory—Positions assigned to this band will be reserved primarily for first-level supervisors of employees in the same occupational cluster. Typically, entry will be competitive.²⁵²

These bands, in turn, would inform the permissible salary range for positions in a given occupational cluster with OPM collaborating with DHS on an ongoing basis to adjust the upper and lower boundaries of each band, consistent with the broader labor market and available budget.



²⁵² Id.

²⁵³ Id.

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In this model, once an employee was hired, pay adjustments would happen through either 1) annual market adjustments; 2) annual merit increases based on performance; or 3) other individual adjustments throughout the year (e.g., special skill incentives, special assignment bonuses, recruitment/retention incentives, etc.). In this system, they envisioned all of these adjustments being contingent on achieving acceptable or exceptional performance ratings — any employee who was rated “unacceptable” wouldn’t even get the market adjustment. Promotions would result in a fixed pay raise of ~8 percent to match similar raises under the GS and DHS would retain the authority to establish locality pay areas when it felt necessary.

For performance management, the proposal expanded both the timeframe for establishing performance expectations and the ways management were allowed to set them. Rather than having to preregister, in writing performance expectations for an entire year ahead of time, managers received the flexibility to communicate other performance expectations throughout the year. This, in DHS’s telling, could take the form of “specific work assignments or other means (including standard operating procedures, organizational directives, manuals, and other generally established job requirements that apply to employees in a particular occupation and/or unit).”²⁵⁴

The system also made changes to the Department’s collective bargaining obligations, grievance process, removal procedures, and other areas of employee and labor relations that primarily did not relate to pay or classification.

Following publication of the proposed regulations, DHS received over 3,700 public comments, including and especially from employee organizations and labor unions. Crucially, in a lengthy consolidated comment, the major federal labor unions rejected the proposal “in its entirety.”²⁵⁵ The unions argued that, while they were willing to agree to several of the potential options considered that sped up the discipline process, provided more pay flexibility, etc., they said that the proposal had serious flaws that meant they couldn’t support it. Specifically, they argued that the proposed regulations were simply not detailed enough to enable employees to really understand the system (i.e., they deferred too many crucial decisions to subregulatory implementation), that the guardrails it did establish were too lax to provide employees with the predictability they needed, and that changes to the collective bargaining arrangement abrogated the ability of unions to engage with DHS on many issues.

After further engagement with labor and other stakeholders, DHS published the final regulation governing this system just short of a year later in February of 2005.²⁵⁶ In the final rule, DHS made a number of revisions — mostly related to labor relations and adverse actions such as dismissal — and a few mostly procedural adjustments. For example, on classification and pay banding, DHS clarified that it would have

²⁵⁴ Id.

²⁵⁵ Colleen M. Kelley et al., “Joint Comments and Recommendations Submitted by the National Presidents of the National Treasury Employees Union (NTEU), The American Federation of Government Employees (AFGE), and the National Association of Agriculture Employees (NAAE),” March 22, 2004, <https://www.regulations.gov/comment/DHS-2004-0001-2871>.

²⁵⁶ Department of Homeland Security and Office of Personnel Management, *Department of Homeland Security Human Resources Management System*, 70 Fed Reg. 5272 (February 1, 2005) (n.d.), accessed December 17, 2025, <https://www.federalregister.gov/documents/2005/02/01/05-1629/department-of-homeland-security-human-resources-management-system>.

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to document its “rationale, as well as the criteria, for grouping occupations or positions into occupational clusters”²⁵⁷ and to provide additional clarity into how pay bands would map on to both supervisory duties and employee qualification standards. In general, however, the final rule retained the overall structure of the proposed rule, especially when it came to the scope of what was bargained and the level of specificity that was deferred to future subregulatory guidance documents. These subregulatory guidance documents, DHS argued, would be developed collaboratively with input from employee groups later on, filling in the gaps in the regulations.

After this regulation was finalized, the same coalition of unions that had engaged with DHS on the proposal immediately sued to block implementation.²⁵⁸ The unions primarily argued that the regulations inadequately safeguarded employees’ rights to collectively bargain with DHS under the new system as Congress had required because they created several avenues for the secretary to invalidate previously negotiated agreements unilaterally. DHS argued in response that Congress had given it wide latitude to design the new system and specifically exempted it from preexisting bargaining requirements such that the new system was sufficient. The unions also argued that various elements of the adverse action appellate process were inconsistent with the law (e.g., the role of the Homeland Security Labor Relations Board versus the Federal Labor Relations Board or the role of the Merit Systems Protection Board in reviewing adverse actions).

The court agreed with the unions on most counts, finding that the “[r]egulations fail because any collective bargaining negotiations pursuant to its terms are illusory: the Secretary retains numerous avenues by which s/he can unilaterally declare contract terms null and void, without prior notice to the Unions or employees and without bargaining or recourse.” Therefore, according to the judge, the regulations failed to meet the parameter that Congress had given DHS that their new system “ensure” collective bargaining rights. The court then issued a preliminary injunction prohibiting DHS from implementing parts of the regulation related to labor-management relations.²⁵⁹ The court invited DHS and OPM to “revise or abandon” the portions of the regulation at issue.²⁶⁰

The government appealed the decision to the District of Columbia Circuit Court of Appeals, which modified the District Court’s ruling in 2006 but agreed on the main point: DHS hadn’t, in its regulations, complied with the letter or the spirit of the law requiring it to “ensure” bargaining by employees.²⁶¹ The government declined to appeal the ruling, and the injunction stayed in place.²⁶²

The Department proceeded with the other parts of the system, including the new performance management approach and adverse action procedures, but held off on the pay-for-performance part of the

²⁵⁷ Id.

²⁵⁸ *National Treasury Employees Union v. Chertoff*, 385 F. Supp. 2d 1 (United States District Court, District of Columbia, 2005).

²⁵⁹ Id.

²⁶⁰ Thomas J. Nicola and Jon. O. Shimabukuro, *Homeland Security and Labor-Management Relations: NTEU v. Chertoff* (Congressional Research Service, 2008), https://www.everycrsreport.com/files/20080201_RL33052_3cfd138f154a88d4c41b7e5c08c8b0db2dc6c748.pdf.

²⁶¹ *National Treasury Employees Union v. Chertoff*, Nos. 05-5436, 05-5437 (United States Court of Appeals, District of Columbia Circuit June 27, 2006), <https://caselaw.findlaw.com/court/us-dc-circuit/1365359.html>.

²⁶² Nicola and Shimabukuro, *Homeland Security and Labor-Management Relations*.

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system entirely.²⁶³ In the following years, the Department moved ~35,000 nonbargaining unit staff into this system, but did not make progress on revising or retracting the labor-management portion of the regulations — through the summer of 2007 and into 2008, status reports provided to the court indicated that DHS and OPM did not reach a final decision about whether to revise the regulations or not.

Meanwhile, DHS struggled mightily with human capital issues. Through its first few years, for example, DHS had some of the lowest employee engagement scores in the entire federal government²⁶⁴ and dealt with high attrition and poor morale. While some of this was likely attributable to generally poor management during the creation of DHS, employees and employee groups pointed toward MaxHR as a cause of persistent workforce challenges. By 2007, the DHS chief human capital officer testified before Congress that DHS was abandoning both the MaxHR branding and also reoriented its human capital strategy to focus more on hiring, retention, culture, and learning rather than the principles it had outlined in MaxHR in an attempt to deal with some of these persistent issues.

At the same time, with Democrats now in control of both the House and Senate after the 2006 midterm elections and the Bush administration in its last two years, Congress began to have doubts about the program and slowed it down further. Nancy Pelosi, who had signed the Democratic objections to the design of MaxHR four years prior during negotiations on the bill, became speaker of the House. In the appropriations bill for 2008, DHS was prohibited from spending any money on the new personnel system “until any pending litigation concerning such activities is resolved, and any legal claim or appeal by either party has been fully resolved.”²⁶⁵ This further slowed down implementation of the system and then in the 2009 appropriation bill, Congress barred DHS from further work on MaxHR, prohibiting in general “development, testing, deployment, or operation of any portion of a human resources management system authorized by 5 U.S.C. 9701(a), or by regulations prescribed pursuant to such section, for an employee as defined in 5 U.S.C. 7103(a)(2).”²⁶⁶

As a result of this constraint, the slow rollout, persistent lack of congressional support, and the wind-down of the Bush administration that had championed these reforms, in October of 2008 DHS issued a new regulation scrapping the system entirely.²⁶⁷ Under this rule, DHS converted anyone who had come under the system back into the regular government-wide personnel system. In the end, as one commenter put it, “[t]he program made little progress since rules came out in early 2005, due to a series of funding restrictions and a lawsuit; the main accomplishment was putting some managerial and headquarters employees under a revised performance evaluation system.”²⁶⁸

²⁶³ Brittany Ballenstedt, “Homeland Security Scraps Plans for Personnel System,” *Government Executive* (Washington, DC), October 2, 2008, <https://www.govexec.com/pay-benefits/2008/10/homeland-security-scraps-plans-for-personnel-system/27801/>.

²⁶⁴ Partnership for Public Service, “Department of Homeland Security,” Best Places to Work in the Federal Government, <https://bestplacetowork.org/rankings/detail/?c=HS00>.

²⁶⁵ Consolidated Appropriations Act, 2008, Pub. L. 110-161 121 Stat 1844 (2007), 2075.

²⁶⁶ Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. 110-329. 122 Stat 3574 (2008). 3684.

²⁶⁷ Ballenstedt, *Homeland Security Scraps Plans for Personnel System*.

²⁶⁸ “DHS Personnel System Dropped,” *FEDweek*, October 8, 2008, <https://www.fedweek.com/fedweek/dhs-personnel-system-dropped/>.

DHS continues to struggle with morale and human capital today, having never really recovered from its false starts during the first few years after it was created.

The Department of Defense follows DHS and also fails

About a year later after MaxHR began to take shape, DOD followed DHS down a similar path. In the spring of 2003, a few weeks after the invasion of Iraq had started and amid a sense that DOD needed to modernize to support two new, potentially lengthy conflicts, the Department sent Congress a proposal for “The Defense Transformation for the 21st Century Act.”²⁶⁹

This proposal included a variety of recommendations and detailed legislative language that the Department suggested would help improve operational flexibility and better support its national security mission in acquisition, military personnel, budget, and other domains. Personnel transformation, though, had pride of place. In the first section of the first title of the proposal, DOD directly requested authority to create an entirely new personnel system for its civilian staff, completely separate from existing rules and directly asking for the flexibilities outlined in all those previous reports.²⁷⁰ In DOD’s view, this was necessary to provide flexibility to modernize “a fragmented personnel system that is governed by multiple titles of the United States Code, includes nine personnel demonstration projects covering over 30,000 employees, 50 different pay plans, and several alternative personnel systems.”²⁷¹ It would also retain the features people felt were important about the system (e.g., veterans preference, merit, nonpartisanship, equal employment opportunity, etc.) while giving them the freedom to develop alternative means of ensuring them throughout the system.

While DOD had been independently studying these types of changes for many years, the language it asked Congress to include ended up nearly mirroring the language that authorized the DHS to create MaxHR. The decision to follow DHS rather than ask for alternative statutory language was, apparently, due to a view among senior DOD leadership that this was more politically pragmatic. However, one way the Department’s proposal did differ is that it included a provision for the secretary of defense to act unilaterally without input from OPM in cases in which the secretary deemed necessary — a departure from the DHS model where regulations were prescribed jointly by both the Department and OPM.²⁷²

Much like DHS, with a war ongoing and support from the administration, Congress gave it the flexibility it had asked for. DOD’s recommendations became the basis of H.R. 1836, the “Civil Service and National Security Improvement Act” which was introduced a few weeks later. That summer, the House Committee on Government Reform held hearings and marked up the bill quickly, making several amendments but retaining most of DOD’s core requests. Among the changes, the committee added a requirement that this

²⁶⁹ William J. Haynes II to Congress, “Legislative Proposal ‘The Defense Transformation for the 21st Century Act,’” April 10, 2003, <https://ogc.osd.mil/Portals/99/April11%20%281%29.pdf>.

²⁷⁰ Id.

²⁷¹ Id.

²⁷² Anthony R. Crain, *The Brief, Eventful History of the National Security Personnel System*, Occasional Paper 1 (Office of the Secretary of Defense Historical Office, 2017), https://history.defense.gov/Portals/70/Documents/occasional_papers/NSPSBOOK-FEB9WEB.PDF?ver=2017-04-17-134923-437. 15

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new system include a performance management feature that linked pay with performance and also that provided for “fair, credible, and transparent employee performance appraisal.”²⁷³ Once these provisions were reported favorably out of committee in May on a party-line vote, they were integrated into the broader 2004 National Defense Authorization Act (NDAA) as Title XI of that bill.²⁷⁴

During debate over these provisions, Democrats (who were in the minority in both the House and Senate at the time) repeatedly expressed concerns with the bill. For example, when H.R. 1836 was reported out of committee, Democrats “agree[d] that DoD needs certain flexibilities to allow it to operate more effectively and more efficiently” but expressed a variety of concerns. These included the view that the system was trying to generalize learnings from the 30,000 (primarily scientific) staff covered by demonstration projects to cover the whole DOD workforce of many hundreds of thousands, that the proposal did not safeguard the procedural rights of unions and staff to challenge decisions they disagreed with, and that ultimately the Pentagon’s management systems weren’t up to the task of implementing a set of changes as sweeping as were contemplated by the bill.²⁷⁵

Nevertheless, the bill continued toward passage. Separately, the Senate had considered the administration’s proposal and made its own amendments in June and the bill moved.²⁷⁶ Eventually, following the conference committee that summer, Congress arrived at an amended (e.g., the exemption from having to work with OPM did not appear in the final bill) but largely unchanged version of the personnel policy language in DOD’s proposal as part of the broader package that President Bush signed in November 2003.²⁷⁷ Just like DHS, DOD began to craft its regulations to implement this new system, which became known as the National Security Personnel System or NSPS.

Senior political leadership at the department, who had a very specific and mature idea about what the NSPS should look like, initially pursued implementation incredibly quickly. An implementation office was set up in December of 2003 and planned initially to publish its proposed regulations for the new system by April of 2004. By the time April came, though, the timeline had been pushed out slightly: the department announced that it intended to convert all of its 700,000 civilian employees to a new system within two years, by October 1, 2006. The first wave of 300,000 would move in October 2004 and the rest would follow.²⁷⁸

The department’s initially aggressive schedule did not hold. As opposed to the collaborative approach DHS undertook to develop MaxHR, DOD leadership intended to centrally develop and implement NSPS without significant up-front collaboration across the department. This included largely excluding the military departments (as opposed to the components in the Office of the Secretary of Defense) from the

²⁷³ Committee on Government Reform, *Civil Service and National Security Personnel Improvement Act*, H. Rept. 108-116 (U.S. House of Representatives, 2003), <https://www.congress.gov/committee-report/108th-congress/house-report/116/1/outputFormat=pdf>. 3

²⁷⁴ National Defense Authorization Act for Fiscal Year 2004. Pub. L. 108-136 117 Stat 1392 (2003). 1621

²⁷⁵ *Civil Service and National Security Personnel Improvement Act*, H. Rept. 108-116. 104-110.

²⁷⁶ *DOD’s National Security Personnel System: Statute, Regulations, and Implementation Plans* (Congressional Research Service, 2006), https://www.everycrsreport.com/files/20060316_RL31954_ba25c56df695a773a444204a1209a775b59dd00a.pdf.

²⁷⁷ *National Defense Authorization Act for Fiscal Year 2004*.

²⁷⁸ *DOD’s National Security Personnel System*.

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design process and largely eschewing collaboration with OPM.²⁷⁹ This approach, predictably, engendered backlash from a variety of stakeholders: Employee groups and unions complained that NSPS was being imposed on them without their input, OPM felt that DOD was proceeding too quickly and without coordination, and the process eroded support in Congress. In February of 2004, Secretary of Defense Donald Rumsfeld asked the secretary of the Navy, Gordon England, to conduct an independent review of the program.²⁸⁰

England had been a senior executive at General Dynamics prior to joining the Bush administration. He served as Secretary of the Navy during 2001 and 2002, then as the first deputy secretary of DHS during most of 2003 and then returned to DOD again to lead the Navy in late 2003. In 2005, he succeeded Paul Wolfowitz as deputy secretary of Defense.²⁸¹ Based on his review, England, who had participated in the development process for MaxHR during his 10 months at DHS, became convinced that the department's original plan was moving too quickly and attempted to jam too many stakeholders along the way to succeed: "[t]here was no possible way of implementing this in the Department the way it was being approached, and... Congress wasn't going to let us do it anyway, and, therefore, you'd better stop what's doing and recreate a whole new process for the National Security Personnel System."²⁸² He persuaded the secretary of this view and, in May of 2004, Rumsfeld transferred responsibility of NSPS to England amid a strategic pause to reevaluate the approach.

This approach involved a more collaborative process than the previous top-down one, with "a group of 25 to 30 senior experts representing various elements within DoD, OPM, and the Office of Management and Budget" convening starting in April 2004 to rescope the system and established a Program Executive Office (PEO) to do the day-to-day design work. The PEO, in turn, established working groups of staff, outside experts, and personnel policy professionals in July 2004 to support this design work in a process that more closely resembled DHS's more collaborative approach. These working groups, again as with DHS, developed a number of options for various elements of the new personnel system for consideration by DOD senior leadership, gravitating toward similar themes for new classification and compensation systems such as "function/occupation-focused," "performance-focused," and "contribution/ mission-focused."²⁸³

Eventually, in February 2005, almost exactly a year after DHS published its proposed MaxHR regulations and about 10 days after those were finalized, DOD published its own proposal for the NSPS.²⁸⁴ This system had familiar features.

For classification, DOD similarly gave itself flexibility to group occupations into broader categories and define pay bands within those categories, writing that:

²⁷⁹ Crain, 19-21.

²⁸⁰ Id. at 22.

²⁸¹ Jason Roberson, "Engineering a Career of Service," *TCU Magazine*, Spring 2003, <https://magazine.tcu.edu/spring-2023/gordon-england-secretary-navy/>.

²⁸² Crain, 22-23.

²⁸³ Department of Defense and Office of Personnel Management, *National Security Personnel System*, 70 Fed Reg. 7552 (February 14, 2005) (n.d.), accessed December 17, 2025, <https://www.federalregister.gov/documents/2005/02/14/05-2582/national-security-personnel-system>.

²⁸⁴ Id.

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Pay schedules typically will include most or all of the following levels of work:

- Entry/developmental work that involves a combination of formal training and/or on-the-job experience designed to provide the employee with the competencies needed to perform successfully at the full performance level.
- Work that involves nonsupervisory duties and responsibilities at the full performance level of the occupation.
- Nonsupervisory expert work that involves a high level of specialized knowledge or technical expertise clearly beyond the requirements for work at the full performance level upon which the employing organization relies for the accomplishment of critical mission goals and objectives.
- Work that involves the supervision of employees at the full performance or expert level.
- Managerial work whose primary purpose is to direct key DoD/Component scientific, medical, legal, administrative, or other programs.²⁸⁵

Under this system, DOD would “no longer [rely] on lengthy classification standards and position descriptions” but rather operate more flexibly.

Similarly to DHS, the NSPS also adopted a performance-based compensation system that provided for market-based, across-the-board adjustments and annual performance adjustments. Under this system, DOD would also not provide any pay adjustments in cases in which employees had an “unacceptable” performance rating. This was also connected to a new performance management system that mirrored the one in MaxHR, providing supervisors with greater flexibility to set and manage expectations throughout the year. Finally, the system also closely resembled many of the changes DHS had sought with regard to bargaining, adverse actions, grievances, and other employee-labor-management relations issues.²⁸⁶

All in all, the system that DOD produced was substantially similar to the outline of DHS’s MaxHR system, as DOD had “adopted many of the concepts and approaches, and even much of the specific language set forth in the DHS regulations” where it viewed it appropriate.²⁸⁷ Predictably, the response from employees and employee groups was, as a result, also very similar.

Even before the draft regulations were published, a coalition of labor groups representing 36 unions with presence at DOD began to criticize the system.²⁸⁸ Once the draft regulation was published, this same group submitted a lengthy, consolidated comment on the regulation that mirrored many of the same objections they had registered to MaxHR: that the proposed regulation wasn’t detailed enough for employees to comment, that it impermissibly weakened collective bargaining rights, that it just eliminated procedural safeguards, etc.²⁸⁹ The department also received over 58,000 other individual comments from

²⁸⁵ Id.

²⁸⁶ Id.

²⁸⁷ Id.

²⁸⁸ Crain, 27

²⁸⁹ United Department of Defense Workers Coalition, “Comment on NSPS Regulation,” 2005, <https://web.archive.org/web/20060520222854/http://www.uniteddodworkerscoalition.org/UDWCCoalitionComments.pdf>.

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a wide variety of stakeholders expressing a variety of views “rang[ing] from overall objection of the proposed regulations to enthusiastic acceptance.”²⁹⁰ DOD also met with unions and other stakeholders during this period to discuss concerns and potential resolutions.

Based on this feedback, DOD revised the regulations and issued the final rule in November of 2005.²⁹¹ This version, reflected changes that more tightly circumscribed management rights over performance management, provided more guidance on pay raises, and clarified other aspects of the pay-for-performance model.²⁹²

However, these changes did not satisfy the concerns of the relevant labor groups, and they quickly filed suit to block implementation of the regulations. Their complaint²⁹³ alleged that:

1. DOD did not adequately comply with Congressional direction to develop the new system collaboratively with labor groups.
2. The new system impermissibly deviated from provisions of regular labor-relations law.
3. The system’s labor relations system did not adequately provide them with the ability to reach legally enforceable contracts because of the discretion it granted the secretary to review arrangements.
4. The new National Security Labor Relations Board was not independent enough to satisfy congressional direction for third-party review of decisions.
5. The appeals process did not provide “fair treatment and ‘due process’ as required” by the law.²⁹⁴

Following litigation through the winter of 2005–2006, the court agreed with the unions on the third, fourth, and fifth counts in the complaint, ruling that “(1) defendants satisfied their statutory obligation to collaborate with plaintiffs; (2) defendants lawfully departed from chapter 71 in establishing a labor relations system; (3) the new rule fails to ensure that employees can bargain collectively; (4) the NSLRB does not meet Congress’s requirement for ‘independent third party review’ of labor relations decisions; and (5) the process for appealing adverse actions fails to provide employees with “fair treatment,” as required by Congress.”²⁹⁵ The court enjoined DOD from implementing the labor relations portions of the

²⁹⁰ Department of Defense and Office of Personnel Management, *Department of Defense Human Resources Management and Labor Relations Systems*, 70 Fed Reg. 66116 (November 1, 2005) (n.d.), accessed December 17, 2025, <https://www.federalregister.gov/documents/2005/11/01/05-21494/department-of-defense-human-resources-management-and-labor-relations-systems>.

²⁹¹ Id.

²⁹² Crain, 29

²⁹³ American Federation of Government Employees, AFL-CIO, et al., v. Rumsfeld, 422 F.Supp.2d 16 (United States District Court for the District of Columbia 2006), Complaint, (November 17, 2005) https://www.goiam.org/publications/pdfs/nsps_lawsuit.pdf.

²⁹⁴ American Federation of Government Employees, AFL-CIO, et al., v. Rumsfeld, 422 F.Supp.2d 16 (United States District Court for the District of Columbia 2006), <https://case-law.vlex.com/vid/american-fed-of-gov-894285653>.

²⁹⁵ American Federation of Government Employees, AFL-CIO, et al., v. Rumsfeld, 422 F.Supp.2d 16 (United States District Court for the District of Columbia 2006), Order (February 27, 2006) https://web.archive.org/web/20060602074732/http://www.afge.org/Documents/2006_02_27RumsfeldDecision.pdf.

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NSPS. This finding was similar to earlier rulings on DHS's MaxHR system, which also found that DHS had not adhered to statutory language requiring them to allow bargaining in the traditional sense. The injunction left DOD in much the same place: able to move forward with some provisions and entirely for nonbargaining unit employees but unable to proceed for the department's unionized workforce.

The government appealed this decision to the DC Circuit Court of Appeals, which in May of 2007 reversed the district court's decision based on a specific element of the authorizing statute's design: based on the text of the law, the court found that "the National Defense Authorization Act grants DoD *temporary* authority to curtail collective bargaining for DoD's civilian employees. By its terms, the Act authorizes DoD to curtail collective bargaining through November 2009. But after November 2009, with certain specified exceptions, DoD again must ensure collective bargaining consistent with the Civil Service Reform Act of 1978."²⁹⁶ As a result, the regulation could proceed with the regulations as-is, but with the understanding that the labor management portions would no longer be legal in approximately two and a half years. The unions requested rehearing en banc that summer, which was denied, and the Supreme Court declined to hear their appeal in September of 2007.²⁹⁷ As a result, DOD was free to move forward with all aspects of the proposed regulations, with the caveat about the time-limited nature of its ability to waive bargaining rights, unlike DHS, which had lost in both district court and the court of appeals because of its slightly different statutory language.

Meanwhile, as this litigation played out for DOD's bargaining unit employees, the department did proceed with converting other eligible employees into the system, though the timeline shifted several times. Despite initially planning to begin conversions of staff in 2004, then 2005, by late October of 2005 the timeline had slipped into the following calendar year. The first group of about 11,000 employees moved into the system in April of 2006, followed by successive waves through 2007, 2008, and into March of 2009. In total, approximately 211,000 of the department's ~740,000 total civilian employees were moved into the system through this phased approach.²⁹⁸

The system that governed these employees ended up having, in practice, the following characteristics:²⁹⁹

- Employees were placed in one of four "career groups" based on the general type of work they were responsible for: Standard, Scientific and Engineer, Investigative and Protective Services, and Medical.
- Each of these career groups, in turn, had four pay schedules that further decomposed work within them: Professional/Analytical, Technician/Support, Supervisor/Manager, and Student. Most of

²⁹⁶ American Federation of Government Employees, AFL-CIO, et al., v. Rumsfeld, 486 F.3d 1316 (U.S. Court of Appeals for the District of Columbia Circuit 2007), <https://law.justia.com/cases/federal/appellate-courts/F3/486/1316/524566/>.

²⁹⁷ Wendy R Ginsberg, *Pay-for-Performance: Lessons from the National Security Personnel System* (Congressional Research Service, 2009), https://www.everycrsreport.com/files/20091218_RL34673_1ce54b4306504dd1a64f7369e09eeae8f9c2916f.pdf,

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²⁹⁸ Id.

²⁹⁹ Id.

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these pay schedules, finally, had three pay bands representing various experience levels from entry-level to expert.

- Supervisors and staff would develop a performance plan each year that outlined a set of performance goals for that year. At the end of the year, based on their performance against these goals, supervisors would assign each employee a numerical rating from 1 to 5.
- Each year, the department would fund a pay pool that determined salary increases based on annual changes in the labor market and available resources. For example, DOD's budget for salaries under NSPS in 2007 increased commensurate with the overall raise given to GS employees.
- Depending on their numerical performance rating, employees would be entitled to a certain number of "shares" of this pay pool that were used to adjust their salary. These shares would, in turn, correspond to a percentage increase in pay. For example, if in a given year a "share" were equal to 1.5 percent and an employee receiving a rating of 3 were entitled to 2 shares, then their pay would be increased by 3 percent. Employees who received a rating of 1 or 2 were not entitled to any increase. As a result, the cost of higher raises for some highly rated employees were in effect funded by denying increases to low-rated employees.
- In addition to these performance-related adjustments, the system included locality adjustments that resembled similar adjustments in the General Schedule based on the differences in labor markets between different parts of the country.
- Finally, the system also provided supervisors with the ability to offer one-time increases and bonuses to employees receiving ratings of 3 or higher based on "extraordinary" achievement.

Because of the centrality of performance review to the system, the NSPS also adjusted how they were conducted. Supervisors were to write reviews and then pass them up the chain to a "pay pool panel" that made the final decision about how staff would be rated. In cases where employees disagreed with how they were rated, they could request reconsideration of decisions to their pay pool manager, who would reconsider the rating and render a decision. This decision could then be appealed to the Performance Review Authority, which had authority over the entire department.³⁰⁰

Unlike DHS, which never fully implemented MaxHR beyond changes to the performance management process, this system really did change the pay and classification systems at DOD during these years relative to the rest of the government. For example in January 2008, DOD announced that, in 2007, "98 percent of the 110,000 employees under the National Security Personnel System received performance-based payouts averaging 7.6 percent. That's more than twice the percentage given to General Schedule employees, who got 2.5 percent across the board and an additional 1 percent bump in locality pay."³⁰¹

As the system operated, employees, oversight bodies, and Congress began to voice concerns that this system was generating the outcomes intended by its designers (i.e., to drive higher performance through

³⁰⁰ Id.

³⁰¹ Brittany Ballenstedt, "Pay Potential," *Government Executive*, April 23, 2008, <https://www.govexec.com/management/2008/04/pay-potential/26744/>.

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the pay system while maintaining fairness). For example, in 2007, the GAO found that employees “may lack confidence in the fairness and credibility of the system” because DOD did not conduct a predecisional analysis of rating distribution to evaluate whether the system disadvantaged certain demographic groups.³⁰² The report also pointed out that “DOD’s performance management system does not provide adequate transparency over its rating results to employees because it does not require commands or pay pools to publish their respective rating and share distributions to employees.”³⁰³

In the same report, this was backed up by surveys and focus groups with employees, which revealed several persistent challenges:³⁰⁴

- Employees felt that there was an “unpublished quota for training distributions and that a majority of employees were arbitrarily placed in the ‘3’ or ‘valued performer’ category” and, as a result, did not feel motivated by a system they felt was insensitive to their individual performance.
- Supervisors and employees felt that they spent an “excessive amount of time” on paperwork involved in carrying out the new performance management system because of the need to defend individual performance ratings before independent reviewers. This was a particularly acute problem, in some tellings, because ratings were due at the end of the fiscal year when staff were also scrambling to complete year-end closeout activities.
- Supervisors were concerned that their own individual writing skills were reflecting negatively on their employees — they’d send written ratings up for approval and worried that their own lack of experience writing performance appraisals might disadvantage their employees relative to others who worked for stronger writers.
- In general, employees and supervisors felt that the system lacked overall transparency in what happened to a proposed rating after it was submitted up the chain of command by a supervisor.
- Poor implementation of the supporting technology and rushed training meant that some staff didn’t feel like they understood the system entirely before it was rolled out and weren’t equipped to navigate through all the steps required.

GAO found the following year that, while DOD had taken steps to address some of these concerns, employees and supervisors still reported the same negative views of the system.³⁰⁵ Further, familiarity with the system over time did not substantially alter these misgivings: By 2009, the employees who had transitioned in the first wave had become more negative about the program — for example, the percentage of employees agreeing that their “performance appraisal is a fair reflection of performance”

³⁰² *DOD Needs to Improve Implementation of and Address Employee Concerns about Its National Security Personnel System*, GAO-08-773 (Government Accountability Office, 2008), <https://www.gao.gov/assets/gao-08-773.pdf>, 24

³⁰³ *Id.* at 25.

³⁰⁴ *Id.*

³⁰⁵ *Monitoring of Safeguards and Addressing Employee Perceptions Are Key to Implementing a Civilian Performance Management System in DOD*, GAO-10-102 (Government Accountability Office, 2009), <https://www.gao.gov/assets/gao-10-102.pdf>.

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dropped from 67 percent in May 2006 to 59 percent in November 2006 to 52 percent in May 2007 and remained at 54 percent through February 2008.³⁰⁶

Simultaneously, analysts and journalists outside the government were examining the system and began to cast doubts on it. In August of 2008, analysis by the Federal Times found that “[w]hite employees received higher average performance ratings, salary increases and bonuses ... than employees of other races”³⁰⁷ and that employees at the Pentagon got higher ratings than their counterparts employed by the military branches.

Congress had begun to have similar concerns. In 2005, as the system was being socialized, in a hearing before a subcommittee of the Senate Committee on Homeland Security and Government Affairs (HSGAC), both Republicans and Democrats expressed their views that the initial rollout had been rocky. The Republican chairman of the subcommittee, Senator George Voinovich (R-OH), for example, read an email from one of his constituents expressing concern about the pay-for-performance system and lack of ability of DOD management to answer detailed questions about the system before reminding the department of his expectation that it collaborate with employee groups.³⁰⁸ Similarly, his Democratic counterpart, Senator Daniel Akaka (D-HI), echoed concerns that the unions had raised about the bargaining provisions in the original regulation and his concerns about DOD’s ability to implement the system with “transparency, accountability, and fairness” while fighting two wars.³⁰⁹ A month later, members of the Senate Armed Services Committee from both parties reiterated similar concerns.³¹⁰

In 2007, after Democrats regained control of both houses of Congress and the NSPS had gone into operation, the tenor of congressional oversight sharpened. In March of 2007, a subcommittee of the House Armed Services Committee held a hearing titled “The National Security Personnel System—Is It Really Working?”³¹¹ In this committee, DOD argued that the system, while still early in implementation, was showing promise in achieving its goals and objected to several of the criticisms that employees and unions had leveled against the system (e.g., forced rating, lack of training, etc.). Democrats met this defense with a degree of skepticism about whether the system had sufficient safeguards for employees and was going to stand the test of time.

³⁰⁶ Id. at 38.

³⁰⁷ Ginsberg, 20.

³⁰⁸ *Critical Mission: Ensuring the Success of the National Security Personnel System: Hearing on S. Hrg. 109–85 before the Oversight of Government Management, The Federal Workforce and the District of Columbia Subcommittee of the Committee on Homeland Security and Government Affairs*, U.S. Senate One Hundred Ninth Congress, First Session (2005), <https://www.congress.gov/109/chrg/CHRG-109shrg20176/CHRG-109shrg20176.pdf>, 1-3

³⁰⁹ Id. at 3-5.

³¹⁰ *Implementation by the Department of Defense of the National Security Personnel System: Hearing on S. HRG. 109–415 before the Committee on Armed Services*, U.S. Senate One Hundred Ninth Congress, First Session (2005), <https://www.govinfo.gov/content/pkg/CHRG-109shrg28031/pdf/CHRG-109shrg28031.pdf>.

³¹¹ *The National Security Personnel System--Is It Really Working? Hearing on H.A.S.C. No. 110–26 before the Readiness Subcommittee of the Committee on Armed Services*, U.S. House of Representatives One Hundred Tenth Congress, First Session (2007), <https://www.congress.gov/110/chrg/CHRG-110hhr37887/CHRG-110hhr37887.pdf>.

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The system also suffered from its association with the DHS proposal, which by 2007 was unravelling amid litigation and congressional opposition. In a hearing before a subcommittee of the House Committee on Oversight and Government Reform, several Democrats criticized the constellation of workforce reforms being pursued by the Bush administration, noting implementation challenges and the degree to which the systems had similar mechanisms at their core.³¹² The same subcommittee again brought up these issues in an early 2008 hearing entitled “Robbing Mary to Pay Peter and Paul: The Administration’s Pay-for-Performance System”³¹³ where the hearing’s ostensible topic — pay systems at the Internal Revenue Service, Securities and Exchange Commission, and Office of the Director of National Intelligence — bled into generalized criticism of DOD and DHS projects for shortchanging federal employees. A hearing before Senate HSGAC in July of 2008 rehashed many of these issues and arguments.³¹⁴

Based on these hearings, Congress made small adjustments to the structure of NSPS in the NDAA³¹⁵ for 2008: It added language to further specify required controls for the performance management system, including requirements that pay pools be funded at the same level as total compensation for that group would have increased under the GS, set a floor for raises of 60 percent of the comparable GS raise for individual employees, excluded blue collar roles entirely from NSPS, expanded coverage of workforce shaping (i.e., RIF and furlough) rules to NSPS, brought NSPS into the regular adverse action appeals process, clarified expectations around bargaining between DOD and unions, and other mechanical changes to the system. In effect, this legislation significantly scaled back the flexibility that had been granted to DOD under the original statute in several areas, leaving in place the flexibility on pay and classification but constraining many of the other aspects of DOD’s originally contemplated structure.

In May 2008, to comply with the law, OPM and DOD issued proposed regulations for public comment.³¹⁶ These became final in September of 2008.³¹⁷ Subsequently, OPM and DOD also issued a more narrow proposed regulation updating provisions in the regulation around hiring into NSPS in early December 2008, which became final on January 16, 2009, on the last full working day of the Bush Administration.

³¹²*The Status of Federal Personnel Reform: Hearing on Serial No. 110–12 before the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia of the Committee on Oversight and Government Reform*, U.S. House of Representatives One Hundred Tenth Congress, First Session (2007), <https://www.congress.gov/110/chrg/CHRG-110hrg36547/CHRG-110hrg36547.pdf>.

³¹³*Robbing Mary to Pay Peter and Paul: The Administration’s Pay-for-Performance System: Hearing on Serial No. 110–203 before the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia of the Committee on Oversight and Government Reform*, U.S. House of Representatives One Hundred Tenth Congress, Second Session (2008), <https://www.congress.gov/110/chrg/CHRG-110hrg53641/CHRG-110hrg53641.pdf>.

³¹⁴*Improving Performance: A Review of Pay-for-Performance Systems in the Federal Government: Hearing on S. Hrg. 110–814 before the Oversight of Government Management, The Federal Workforce, and the District of Columbia Subcommittee of the Committee on Homeland Security and Government Affairs*, U.S. Senate One Hundred Tenth Congress, Second Session (2008), <https://www.congress.gov/110/chrg/CHRG-110shrg44579/CHRG-110shrg44579.pdf>.

³¹⁵National Defense Authorization Act for Fiscal Year 2008. Pub. L. 110-181, 122 Stat 3. (2008) Section 1106, 122 Stat 349

³¹⁶Department of Defense and Office of Personnel Management, *National Security Personnel System*, 73 Fed Reg. 29882 (May 22, 2008) (n.d.), accessed December 17, 2025, <https://www.federalregister.gov/documents/2008/05/22/E8-11364/national-security-personnel-system>.

³¹⁷Department of Defense and Office of Personnel Management, *National Security Personnel System*, 73 Fed Reg. 56344 (September 26, 2008) (n.d.), accessed December 17, 2025, <https://www.federalregister.gov/documents/2008/09/26/E8-22483/national-security-personnel-system>.

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Most of these changes, however, were not really implemented as its champions were replaced by a new crop of political appointees with different priorities.

Following Barack Obama's election in 2008, the administration and Congress changed course. In March of 2009, the new administration announced that it would conduct a review of NSPS and that any further conversations into NSPS for additional employees would be paused until no sooner than October 2009.³¹⁸ In an April 2009 hearing of the House Armed Services Committee,³¹⁹ the executive in charge of NSPS provided a relatively balanced assessment of where the program stood in the eyes of the department's staff: Employees under the system were more satisfied with their pay than their GS and wage grade counterparts but employees and supervisors were still struggling to get the performance management system right across the diverse roles in the department. The hearing proceeded into a discussion of whether the system was worth continuing or whether the department would be better served by going back to the GS, particularly because that would reduce the number of discrete systems back down to two in many cases (i.e., the GS and the wage grade system) rather than the three that some supervisors were then dealing with. Both Democrats and Republicans pressed witnesses on this, focusing on just trying to understand the practical implications of such a move.

During the strategic pause instituted at the beginning of the administration, the department convened an expert panel to produce an internal review of the project. This report, delivered in July of 2009, concluded that NSPS had been implemented too quickly and without attention to underlying structural issues (e.g., leadership capacity among supervisors, resource challenges, etc.) and needed to be "reconstructed" rather than merely "fixed." As part of this, the group suggested that DOD reestablish commitments to both partnership and collaboration through unions and to long-term investment in career civil servants. Additionally, it found that the entire pay setting process needed to be simplified and revamped with increased transparency, monitoring, and attention to the impact of broad banding on long-term career progression for civil servants. Finally, despite recognition that NSPS was not perfect and needed radical change, the group also recommended that the government explore changing the GS system — this would include replacing the classification system entirely — based on what was learned from the NSPS implementation. In particular, the group wrote that "there needs to [be] an exploration of the replacement of the current General Schedule classification system with a banding system that provides for flexibility in hiring, predetermined times for evaluation and within band" increases, and smaller bands that allow for promotion from one band to another as skills and experience increase."³²⁰ The committee emphasized that NSPS could be salvaged rather than replaced with the GS system and that such a move would be a step backward rather than forward to a better personnel system for the department.

³¹⁸ *Continued Monitoring of Internal Safeguards and an Action Plan to Address Employee Concerns Could Improve Implementation of the National Security Personnel System*, GAO-09-840 (Government Accountability Office, 2009), <https://www.gao.gov/assets/gao-09-840.pdf>, 1

³¹⁹ *Department of Defense National Security Personnel System: Hearing on H.A.S.C. No. 111-38 before the Readiness Subcommittee of the Committee on Armed Services*, U.S. House of Representatives One Hundred Eleventh Congress, First Session (2009), <https://www.congress.gov/111/chrg/CHRG-111hhrg53942/CHRG-111hhrg53942.pdf>.

³²⁰ Defense Business Board, *Review of the National Security Personnel System*, nos. FY09-06 (U.S. Department of Defense, 2009), https://dbb.defense.gov/Portals/35/Documents/Reports/2009/FY09-6_Review_Of_The_National_Security_Personnel_System_2009-7.pdf.

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However, at the same time, while drafting the 2010 NDAA in the summer of 2009, Congress moved in the other direction: when both the House and Senate began writing their versions of the bill, they both included provisions to eliminate the NSPS and roll the workforce back under the GS. In the House's bill H.R. 2647, for example, the initial language would have frozen "implementation of the National Security Personnel System (NSPS), by prohibiting the transition or hiring of any new employees into the system. ... It would also require the Secretary of Defense to transition employees back to the civilian compensation system in effect as of September 30, 2007, within one year of enactment. If the Secretary of Defense determines that NSPS should not be terminated with respect to covered employees, he is required to submit to the president and Congress, within six months of enactment, a written report with the Secretary's views and his reasons for his determination."³²¹ The Senate's version of the bill included similar language when it was passed out of committee in July.³²²

By October, even this more lenient approach which allowed for the possibility that the department could try to justify keeping NSPS, had shifted toward terminating the experiment outright. When the bill came out of conference, the report called for Congress to "repeal the authority for NSPS and require the transition of NSPS employees to previously existing civilian personnel systems by January 1, 2012."³²³ It also granted the secretary limited personnel flexibility on hiring, performance appraisal, and other aspects that had previously been covered by NSPS but that Congress now judged could "be exercised consistent with the existing General Schedule pay system, without the need for any legislative changes to that system."³²⁴ On October 28, 2009, the president signed the NDAA with this provision, triggering the termination of the NSPS after approximately three and a half years of operation.

In early 2010, DOD announced that it had created a new office to manage the termination of the program and oversee the conversion of staff to the GS or other systems.³²⁵ Through 2010 and 2011, DOD transitioned most of its NSPS-covered personnel to the GS to support on-time termination of the program in early 2012.³²⁶ DOD experienced some minor challenges with employee perceptions on pay retention, capacity to manage new classification actions, and training those who had been hired directly under the NSPS in new personnel systems, but otherwise unwound the program successfully.³²⁷ In December of

³²¹ Committee on Armed Services, *Committee Report on National Defense Authorization Act for Fiscal Year 2010*, H. Rept. 111-166 (U.S. House of Representatives, 2009), <https://www.congress.gov/111/crpt/hrpt166/CRPT-111hrpt166.pdf>, 400

³²² Committee on Armed Services, *Committee Report on National Defense Authorization Act for Fiscal Year 2010*, S. Rept. 111-35 (U.S. Senate, 2009), <https://www.congress.gov/111/crpt/srpt35/CRPT-111srpt35.pdf>.

³²³ Committee on Armed Services, *Conference Report on National Defense Authorization Act for Fiscal Year 2010*, H. Rept. 111-288 (U.S. House of Representatives, 2009), <https://www.congress.gov/111/crpt/hrpt288/CRPT-111hrpt288.pdf>. 826

³²⁴ Id.

³²⁵ Brian Robinson, "'The Guardian' of Government Data," *Defense One*, January 25, 2010, <https://www.defenseone.com/defense-systems/2010/01/the-guardian-of-government-data/237754/>.

³²⁶ Government Accountability Office, "Performance Management: DOD Is Terminating the National Security Personnel System, but Needs a Strategic Plan to Guide Its Design of a New System," Washington, DC, April 28, 2011, <https://www.gao.gov/assets/gao-11-524r.pdf>.

³²⁷ Id.

2011, DOD and OPM jointly repealed the remaining NSPS regulations and the system ceased operation.³²⁸

In all, the Bush administration had taken a big swing at reforming the classification and pay systems across the federal government and came up short. The TSA's pay banding system lasted longest, surviving until 2023, but DHS's MaxHR faltered before it was even properly launched, and NSPS operated for only a few years before Congress shut it down.

The Obama, Trump, and Biden administrations sidestep reform

The Obama, first Trump, and Biden administrations all abandoned these kinds of sweeping attempts at reforming pay and classification systems.

As of the end of 2024, the federal government employed about 2.3 million nonpostal civil servants. Of those, about 2.1 million were white collar workers, with the remainder occupying the blue collar personnel system. The General Schedule continues to be the dominant personnel system for those white collar workers, covering about 1.6 million people, or 72 percent of workers. The rest are covered by a long and growing list of exceptions and bespoke personnel systems: 40,000 air traffic controllers and others in FAA-specific systems, 65,000 at the TSA, 120,000 nurses and physicians at the VA, about 140,000 Department of Defense personnel in a smattering of demonstration projects, and many other smaller systems. As of late 2024, OPM maintained 145 distinct pay plans, the result of congressional grants of flexibility to agencies. In 2025, the federal workforce declined in size by about 10%, but this fragmented status quo has remained unchanged.

Under current law, when necessary, OPM is authorized to create additional special salary rate tables for specific agencies, in specific locations, among specific occupations, and at specific grade levels. In 2025, there were over 300 such special rates, ranging in specificity from nurses in Rochester to early career engineers in the Department of the Army to all IT professionals governmentwide.³²⁹ The process for qualifying for this type of special rate table involves filling out and submitting OPM Form 1397, which requests consideration of a special rate table and requires agencies to explain in excruciating detail their history of recruitment and turnover challenges; a proposed new salary schedule, which requires the agency to have done an independent salary survey and compensation study; cost estimates; and an extensive narrative outlining the reasons for the request, the labor market in question, what alternatives the agency has already tried, among other items.³³⁰ In other words, in cases in which agencies are experiencing chronic staffing issues, the system has a safety valve, but only after all other remedies are exhausted and only if the agency is willing to invest its own resources in developing an alternative. Even

³²⁸ Department of Defense and Office of Personnel Management, *National Security Personnel System*, 76 Fed Reg. 81359 (December 28, 2011) (n.d.), accessed December 17, 2025,

<https://www.federalregister.gov/documents/2011/12/28/2011-33235/national-security-personnel-system>.

³²⁹ U.S. Office of Personnel Management, "All Special Rate Tables," OPM.Gov, accessed January 12, 2026, <https://www.opm.gov/special-rates/AllSRTables.aspx>.

³³⁰ U.S. Office of Personnel Management, "Special Salary Rate Request Form OPM Form 1397," May 2003, <https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/special-rates-requests/opm1397.pdf>.

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then, OPM approval is not guaranteed, as a group of agencies found out in 2024 when they requested a new governmentwide pay table for IT professionals.³³¹

Even more recently, partisan political moves have pushed the internal logic of the system to its breaking point. The Biden administration, for example, established a \$15 minimum wage for all federal contractors and employees.³³² In response, OPM established a special salary table to accomplish this. While this was a laudable goal and one that many activists across the country have pushed for, its implementation also conflicts with the foundational premise of the GS system: that people are paid based on their position in a calibrated hierarchy. When political imperatives require bringing the bottom of the pyramid up to \$15 regardless of grade classification, it distorts the architecture of the system. A GS-01 Step 1 position — originally designed as the absolute entry level for the least-skilled labor across the entire country — suddenly jumps multiple steps or even grades in compensation, not because the work changed, but because of political decree. The effects cascade upward: If GS-01 through GS-03 positions all effectively pay the same due to the minimum wage floor, what's the point of the distinctions? The system's careful graduation becomes meaningless at the lower levels, creating compression and undermining the entire classification logic.

The Trump administration took an even more overtly political approach to salary destandardization for 2026. In his August 28, 2025, alternative pay plan, President Donald J. Trump proposed a 1 percent base pay increase for most federal employees while freezing locality pay entirely.³³³ But, there was an exception: Certain categories of federal law enforcement personnel would receive a cumulative 3.8 percent increase, matching the 2026 raise for the military.³³⁴ The administration directed OPM to use that same special salary rate authority to create this two-tier system, with initial categories including Border Patrol agents, DEA agents, ICE criminal investigators, Secret Service personnel, FBI agents, and Federal Bureau of Prisons correctional officers. This pushed the system even further from its equity-focused roots.

In the meantime, the conversation in Congress about what should be done about the GS and the classification system has remained frozen in place since the Bush administration. For example, in 2014, the House Committee on Oversight and Government reform held a subcommittee hearing entitled “Is the Federal Government’s General Schedule a Viable Personnel System for the Future?”³³⁵ that examined the

³³¹ Grace Dille, “DoE CIO: OMB Vetoes Special Salary Rate for IT Employees,” *MeriTalk*, December 13, 2023, <https://www.meritalk.com/articles/doe-cio-omb-vetoes-special-salary-rate-for-it-employees/>.

³³² Kiran Ahuja “Achieving a \$15 Per Hour Minimum Pay Rate for Federal Employees,” to Heads of Executive Departments and Agencies, January 21, 2022, https://www.opm.gov/chcoc/transmittals/2022/CPM%202022-02%20Memo-15-min-rate_508.pdf.

³³³ Sean Michael Newhouse, “Trump Intends to Give Feds 1% Pay Raise with Some Law Enforcement Officers Getting More,” *Government Executive*, August 31, 2025, <https://www.govexec.com/pay-benefits/2025/08/trump-intends-give-feds-1-pay-raise-some-law-enforcement-officers-getting-more/407811/>.

³³⁴ U.S. Office of Personnel Management, “Frequently Asked Questions: 2026 Special Rates for Certain Law Enforcement Personnel,” OPM.Gov, accessed January 12, 2026, <https://www.opm.gov/policy-data-oversight/pay-leave/2026-special-rates-for-certain-law-enforcement-personnel/>.

³³⁵ *Is the Federal Government’s General Schedule (GS) A Viable Personnel System for the Future? Hearing on Serial No. 113–131 before the Subcommittee on Federal Workforce, US Postal Service and the Census of the Committee on Oversight and Government Reform*, U.S. House of Representatives One Hundred Thirteenth

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system but did not inject much in the way of new ideas about how it might be improved. In the hearing, the witnesses, including the Obama and Reagan administrations' OPM directors and leaders of major employee groups, rehashed long-standing arguments about the inflexibility of the GS system, the need to connect pay with performance in ways that made sense, the right way to engage unions in personnel management, and retrospectives on what went wrong with NSPS that led Congress to repeal it a few years earlier. No legislation was seriously contemplated either as a pretext for the hearing or as a result of the hearing.

Where the existing system breaks down, the answer has been to create new carveouts or loopholes rather than to invest the time in systematically reforming the broader baseline. When Congress *has* acted, it's been to create small-scale programs at specific agencies. One notable example during this period, for instance, again involved DHS and once again led to a rocky rollout. In 2014, Senator Tom Carper, a Delaware Democrat and chair of HSGAC, grew concerned that DHS was struggling to hire and retain cybersecurity talent due to stiff competition from industry and introduced the "DHS Cybersecurity Workforce Recruitment and Retention Act of 2014" to authorize DHS to develop yet another personnel system, this time specifically for cybersecurity personnel. The provision, which Congress passed attached to an unrelated bill on U.S. Border Patrol pay, authorized DHS to develop a system that was exempt from traditional hiring and pay rules but notably did not include the kind of stringent pay-for-performance provisions that had dominated prior attempts at flexibility. DHS then took nearly seven years to put the system in place, with regulations implementing the bill posted in August of 2021³³⁶ and the first hires in the spring of 2022.³³⁷ Under this system, called the Cybersecurity Talent Management System (CTMS), DHS has more flexibility than usual to circumvent traditional hiring rules and compensation-setting practices, enabling it to set initial compensation for new cybersecurity professionals without regard to the GS classification system and to adjust that pay year-to-year to ensure it's competitive with the market. By the summer of 2024, however, only about 200 people had been hired under the authority and it remained narrowly scoped to just a slice of the CISA workforce.³³⁸

Meanwhile, the executive branch has gestured at simplifying the system using the executive actions at its disposal but has eschewed proposing large-scale legislative changes. In August 2024, for example, OMB and OPM issued a joint memorandum on "Hiring Experience" that referred to an aspect of the classification system that draws particular ire from applicants: the system of "official" job titles that agencies often use to advertise for jobs. The memo encouraged agencies to use "a descriptive, organizational, or functional job title that resonates with jobseekers in announcements for recruitment and

Congress, Second Session (2014), <https://www.congress.gov/113/chrg/CHRG-113hhr89728/CHRG-113hhr89728.pdf>.

³³⁶ Department of Homeland Security, *Cybersecurity Talent Management System*, 86 Fed Reg. 47840 (August 26, 2021) (n.d.), accessed December 17, 2025, <https://www.federalregister.gov/documents/2021/08/26/2021-17824/cybersecurity-talent-management-system>.

³³⁷ Natalie Alms, "Seven Years in the Making, DHS's New Cyber Talent System Boasts Just One Hire," *Nextgov.Com*, May 31, 2022, <https://www.nextgov.com/cybersecurity/2022/05/seven-years-making-dhss-new-cyber-talent-system-boasts-just-one-hire/367534/>.

³³⁸ Justin Doubleday, "DHS Aims to Expand CTMS after 'Challenges' with Rollout," *Federal News Network*, June 27, 2024, <https://federalnewsnetwork.com/hiring-retention/2024/06/dhs-aims-to-expand-ctms-after-challenges-with-rollout/>.

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when posting job announcements.”³³⁹ However, this effort did not seek to simplify the underlying system requiring “official” job titles based on the GS. A similar effort took more explicit aim at job titles in the second Trump administration but also avoided changing the underlying infrastructure.³⁴⁰

In 2026, this is the state of major reform efforts: an all-but-abandoned focus on reforming the structure of the GS system in favor of a proliferation of different, narrowly tailored exceptions. Tiny changes on the margins (such as guidance about descriptive job titling in job announcements) have been possible, but even implementation of those ostensibly manageable initiatives has been slow and uneven. Fragmentation continues to rule as agencies keep seeking more flexibility and fight with one another for talent.

Indeed, as Congress continues to defer large-scale reform and the basic system languishes, the time is ripe to close this cycle and enact a new, large reform bill to retire the General Schedule after 75 years of service.

Breaking the cycle: Lessons from the past

If history is instructive, the period dominated by the General Schedule is coming to a close. As the current system gets increasingly difficult to manage, and as issues with classification become salient among nonexpert policy audiences, it will be imperative for Congress to learn from its predecessors as it goes about designing yet another new system.

In considering nearly 250 years of personnel history, themes emerge from this cycle that play out over and over again. This time, when Congress passes a reform bill, it should adhere to several key principles:

Simplify what is in statute – Most critically, Congress must minimize the statutory specifications of individual roles and levels. Throughout our history, the placement of job definitions (and salaries, for most of U.S. history) in statute has been one of the most persistent causes of the Standardization Cycle. While Congress is entitled to assert its prerogative in managing the executive branch, it has never operated quickly enough to keep definitions current — not when the government employed just a few hundred thousand people and certainly not now that it employs several million. The lag between economic shifts, mission growth, and technological change on the one hand, and statutory responses on the other creates an ever-widening gap that drives agencies to seek exceptions and workarounds. Future-proofing any new system requires removing classification specifications from statute altogether, or at least significantly simplifying what’s in statute versus what’s codified in rules and regulations, and thereby translate democratic intent into personnel policy.

The simplest systems last the longest – It's hard to imagine now, but the General Schedule's 75-year lifespan isn't historically anomalous. The four-grade system established in 1853 similarly dominated for

³³⁹ Office of Management and Budget and Office of Personnel Management, “Improving the Federal Hiring Experience, M-24-16,” August 14, 2024, <https://www.whitehouse.gov/wp-content/uploads/2024/08/M-24-16-Improving-the-Federal-Hiring-Experience.pdf>.

³⁴⁰ Veronica E Hinton, “Memorandum for Chief Human Capital Officers: Job Titling Guidance in Alignment with Executive Order 14170 and the Merit Hiring Plan,” September 9, 2005, <https://www.opm.gov/chcoc/latest-memos/job-titling-guidance-in-alignment-with-executive-order-14170-and-the-merit-hiring-plan/>.

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nearly 75 years before its replacement in 1923. Relative to other attempts — the intricate 1923 system stands out, with its dozens of services and hundreds of classes — these simpler frameworks proved more durable. Both eventually disintegrated due to their own brittleness, but their longevity suggests that reform should prioritize clarity and flexibility over comprehensive precision. The perfect system that tries to account for every contingency will likely collapse long before a simpler framework that leaves room for adaptation.

Resist the urge to create agency exceptions – Each major reform has eventually run into the same problem of statutory incoherence: In the 19th century, Congress excluded subclerical roles and newer agencies; in 1923, it initially exempted field employees; in 1949, it carved out the Foreign Service, parts of the VA, and numerous other agencies by statute. Each exception creates a system of haves and have-nots, spurring other agencies to lobby for their own “special” authorities. More recently, it’s tried to do the same for DHS and DoD, among others. If a new system cannot accommodate a variety of agencies and situations, the solution isn’t to create carveouts but to make the system itself more flexible and responsive to legitimate variation in agency needs.

Implementation takes a long time and requires durable, bipartisan consensus – In implementing both the 1923 law and the 1949 law that created the GS, the CSC and OPM both spent years developing supporting material to facilitate the system: occupational standards, qualifications standards, model job descriptions, evaluation trainings, and other materials. In both cases, this involved work that spanned across presidential administrations and had to survive while the White House changed party control; successive presidents, in fact, put their marks on the system but picked up where their predecessors had left off. This was the case when the George W. Bush administration created MaxHR and NSPS, which similarly took years to draft and finalize the regulations and procedures that governed both programs. However, because these systems were legislated on party-line votes in Congress including for their most controversial features such as pay for performance and changes to collective bargaining, they were not durable enough to survive changes in congressional and White House leadership. MaxHR failed when Congress changed hands in 2006 and NSPS was sunset a few years later after the White House also flipped. Any new system, if it's going to survive to maturity and actually be implemented, would need some degree of bipartisan consensus. Any other approach risks being strangled before it can take root when the political winds change; these systems are hard to unwind over time, but are easy to uproot while they’re being implemented.

Don’t abandon equal pay for equal work, modernize it – The pervasive sense that pay must be legitimate through transparent equality — that everyone doing similar work should be treated similarly, regardless of agency or demographic characteristics — has formed the core of each reform cycle. When large-scale fragmentation leads to the perception of arbitrary differences in compensation, both Congress and the public consistently demand change. While it may be tempting, as it was for the George W. Bush administration, to focus solely on recognizing individual performance differences, it's not clear our constitutional system's political incentives can sustain such an approach long-term. The challenge is to maintain legitimate equity while building in enough flexibility for a personnel system to compete in modern labor markets.

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