

THE ORANGE COUNTY REGISTER

At times, even where there's smoke, you can't be fired

Adam B. Summers

December 17, 2015

It is often noted that government is inefficient and slow to change or innovate. A lot of this has to do with special-interest politics (i.e., the power of federal labor unions) and the facts that, since government activities are monopolistic and based on coercion (most people would not voluntarily subject themselves to IRS or EPA rules), and finances are determined by political pull, there is no competition or market pricing mechanism to reveal supply and demand or encourage government agencies to minimize costs and maximize service quality.

Federal workplace rules certainly exacerbate this inefficiency. The layoff and discharge rate for government employees is one-fourth that of private-sector workers, and the 0.5 percent of federal civilian workers who are fired each year is just one-sixth the private-sector rate, according to an October Cato Institute policy brief.

This is not because government employees are so much more productive and virtuous than those in the private sector, but because federal rules make it almost impossible to get rid of even the worst-performing workers. When one does engage in conduct so egregious that even government managers see fit to terminate them, employees have the right to appeal a termination, a process that may take up to two years. It is usually not worth the time and effort, so poor-performing workers persist in the system, which must lower morale among the more productive and upstanding workers who see bad behavior rewarded along with the good.

These exceptional work rules help to explain some of the egregious examples of government workers behaving badly, and the culture that tolerates and breeds such behavior. In some cases, not only are scofflaw employees not punished for their misdeeds, they are actually rewarded. A Bureau of Alcohol, Tobacco, Firearms and Explosives agent took out cash advances on his government-issued credit card so he could gamble at casinos, to which he drove in his government vehicle. He was later promoted to a special agent in charge.

A police officer for the U.S. Department of Commerce's National Institute of Standards and Technology was known to have "sexual relations with other NIST employees on agency property, in vehicles owned by the government, while on official duty," as described in a letter to the agency from House Committee on Science, Space and Technology Committee Chairman Lamar Smith, R-Texas. This officer nonetheless was promoted to interim chief of police. (Also, why does a technology agency that deals with measurements and standards need its own police officers?)

The employee later caused an explosion at a federal facility while he was trying to make methamphetamine. You can't make this stuff up. If that was not enough, he was one of many NIST Police Services employees who apparently engaged in rampant time and attendance fraud, and once claimed 84 hours of overtime during a two-week period.

Falsified time sheets seem to be a common theme in government agencies. A report from the Commerce Department's inspector general found that 40 U.S. Census Bureau employees "engaged in pervasive misconduct over several years," claiming a total of 19,162 hours that they did not actually work from 2010-2014, at a cost of nearly \$1.1 million. An attorney at the Justice Department got paid despite not working for five months.

A General Accounting Office analysis of five agencies – the departments of Defense and Veterans Affairs, U.S. Agency for International Development, General Services Administration and the Interior Department – found that they spent \$3.1 billion over a three-year period on workers who were placed on administrative leave, including 263 workers on leave for between one and three *years*.

This is not to say that private-sector workers do not engage in unethical or illegal behavior, too. The difference is that they are far more likely to be held accountable for their actions than government employees – all the more reason to keep government as small as possible.