

**Human Resources Management: A Description of Professional
Knowledge and an Examination of Intangible Qualities**

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Chapter One. Introduction

Employers, employees, and scholars place many requirements and expectations on the shoulders of human resources managers. Human resources managers must not only keep pace with the ever-changing legal developments in the field of human resources. The cornerstone that supports a human resources manager's credibility is professional knowledge, which centers around that manager's expertise on employment law. Areas of employment laws described in this paper include civil rights, age, disability, equal pay, federal labor standards, health benefits, and medical leave and privacy legislation.

Not be ignored are the intangible qualities that a human resources manager must rely on for decisions and planning. Those intangible qualities include skills and abilities that are difficult to define, but nevertheless are an integral part of the daily operations of a successful human resources manager. Three broad categories of intangible qualities are examined in this research: personal, professional, leadership, and personal (Klinger 1993; Sabet 1993; Hays 2001; Streib 2001; Hanbury 2004; Cigier 1990; Bowman 2001).

Research Purpose

The purpose of this research is twofold. First, this paper examines the nature and function of human resources management through a review of the literature. Both the technical knowledge and laws that frame human resources management and the intangible management assets needed to succeed are examined. Second, this paper explores the perceptions of human resources managers about the nature and function of intangible qualities needed to successfully perform their jobs in Texas county government.

Chapter Overview

Chapter two sets the stage and provides background information about the environment in which a Texas county human resources manager must function. Background information is also provided concerning Texas county governments, elected officials, and the personal and political environment.

Chapter three, the literature review, describes the nature and function of human resources management and the professional knowledge required of an effective human resources manager.

Chapter four provides a review the literature that describes the historical nature and function of human resources management as well as the technical professional knowledge that is required for success. Additionally, the chapter links the conceptual framework to the literature and the operationalization of the three working hypothesis that explore the intangible attributes required of an effective human resources manager.

Chapter five outlines the methodology used to describe the nature and function of human resources management; both the relevant laws and the intangible management assets needed to succeed are examined. This chapter also provides the methodology used for the second research purpose, to explore the perceptions of human resource managers in central Texas counties about the nature and functions of intangible qualities.

Chapter six summarizes the research findings related to the research. Specifically, the chapter summarizes how survey instrument was created using scholarly literature to examine the intangible qualities of professionalism, leadership, and personal, and how the survey instrument was utilized to address insights, opinions, and experiences of intangibles qualities by central Texas county human resources managers.

Chapter seven summarizes and explains the results of the research. Upon examining human resources management, its nature and function, professional technical knowledge, and the intangible qualities necessary for a central Texas county human resources manager to be successful, the realization that the domains are reliant upon each other to sustain the most important element – the human resource.

Chapter Two. Setting

Introduction

The purpose of this chapter is to describe the environment in which Texas county human resources managers must operate. The history, function, and structure of Texas county government are discussed, as well as the environment in which human resources managers provide service and support to their customers.

History

The origin of the Texas county government¹ can be found in the *municipality*, the local unit of government under Spanish and Mexican rule. The municipalities were large areas embracing one or more settlements and the surrounding rural territory. Prior to the 1835 revolution of Texas against Mexico, there was no political subdivision at the county level. At that time Texas government was divided into departments and municipalities. When Texas became a state in 1845, there were 36 counties. The Texas State Constitution of 1876 contains much detail concerning the governmental organization of a county. The number of counties increased steadily until there were 254 counties in 1931.

Function

Today there are 254 counties serving the needs of more than 18 million Texans. The counties range in population from just under 100 residents (Loving County) to more than three million (Harris County). Depending on the population, major responsibilities of the county

¹ Information relating to Texas County Government was obtained from the website of the Texas Association Counties. www.county.org.

government include building and maintaining roads, recreational facilities, and in some cases, county airports; constructing and operating jails; operating the judicial system; maintaining public records; collecting property taxes; issuing vehicle registration and transfers; and registering voters. Counties also provide law enforcement, conduct elections, and provide health and social services to many poor county residents. Increasingly, Texas county government plays a vital role in the economic development of the local areas.

Structure

The Texas constitution outlines the structure of county government; counties are designed to function as agents of the state. Unlike cities, counties are limited in their actions to areas of responsibility defined in laws passed by the Texas legislature. At the center of the Texas county government is the Commissioners' Court. Each Texas County has four precinct commissioners and a county judge who serve on the Commissioners Court. Although the Commissioners' Court conducts the general business of the county and oversees financial matters, the Texas constitution established a strong system of checks and balances by creating other elective offices in the county. The major elective offices found in most counties include county attorneys, county and district clerks, county treasurers, sheriffs, tax assessor-collectors, justices of the peace, and constables. As a part of the checks and balances system, most counties also have an auditor appointed by the district courts. Although elected officials administer many of the county functions, non-elected employees appointed by the Commissioners' Court operate the departments such as Public Health and Human Services, Human Resources, Public Transportation, and Emergency Medical Services.

Elected Officials

A department head will most likely be answerable to the county's Commissioners Court. Human resources managers respond to the five members of the Court, either to the collective body or an individual. In contrast to city government, there is an inordinate number of elected officials in county government (e.g., the district attorney, tax assessor / collector, county clerk, district clerk, justices of the peace, constables, and county commissioners). Elected officials are not bound by the personnel policies adopted by Commissioners' Court; rather, they are bound by the rules and regulations governing their office. This type of environment makes for a wait-and-see situation: Wait and see if the elected official(s) supports the personnel decisions of the Commissioners' Court. If the policies of the Commissioners' Court are supported, the human resources manager's task is relatively simple, but if the elected official refuses to support those decisions, the task of the human resources manager is more complicated and political. A politically sensitive environment is not conducive to the practice of straightforward decision-making; rather, it derails the process and detracts from the norm. An old argument, that the Commissioners' Court would withhold budgetary funds for failing to comply with personnel policy decisions was effective in the days of slow, unreliable communication. Given today's communication technology, an elected official simply cites the statutory obligation of the office to perform certain functions and the legal requirement of the county to fund the office or face a statutory violation. At times, the environment can be extremely sensitive to political and personal agendas.

Human Resources Environment

First and foremost, human resource managers operate in an environment that provides service and support to their internal and external customers. The external customer is the citizen who is also a stakeholder of the county. The internal customer is the organization's most prized human resource - the employee. Human Resources Managers should view the employee as a human machine, with human values, blood-bought souls, divinely created and eternally destined beings (Scheer 1970, pg 22). Scheer (1970) suggests that, when human resources managers think of the human element, they should view the employee in terms of values that are different from those of the technical side of their jobs. Additionally, Scheer stresses, what the soul is to the body, human relations is to personnel administration.

Human resources management is a personal environment - so much in the technical procedures of conducting business, but in the function of human resources, that of supporting and serving the employee. Human resources management is an environment of human values. An inherent weakness in human resources management is the difficult task of being personal and still remaining objective.

“The architects can cover their mistakes with ivy, and brides theirs with mayonnaise. But you and I can't do that. We cannot afford to make mistakes.

Not as long as we're dealing with something as mysterious and potent as the human personality” (Scheer 1970, pg 934).

When mistakes are made they are personal.² When an employee is not paid correctly, that is personal. When health and dental benefits are not activated in a timely fashion, the inaction is personal. When the employee is not promoted, that is personal as well. And when the employee

² This observation is derived from over 27 years of personnel experience by the author of this paper: 24 years in the United States Marine Corps, and 3+ years as Director, Human Resources, in Hays County, Texas.

is disciplined or terminated, that is extremely personal. Pressure for human resources managers to be perfect in every aspect of their function is great.

Customers do not visit a human resources office simply to socialize. Customers visit the human resources office because they have a problem; a problem that their line managers or department heads are not able to resolve.

Chapter Three. Technical Knowledge of Human Resource Management

Introduction

The purpose of this chapter is to review the literature that describes the historical nature and function of human resources management as well as the technical professional knowledge that is required for success. The field of human resources management is increasingly dynamic and complex. Professional knowledge centers on a human resources manager's expertise in employment law, and practitioners are required to remain abreast (if not ahead) of leading-edge concepts and models developed or theorized by scholars (Kellough and Sheldon 2003).

Nature of Human Resources Management

The nature of human resources management is characterized by change. Effective human resource managers are able to recognize and cope with change. Kellough (2003) reinforces the traditional wisdom of public administrators, that reform is ever present. Reform must not be viewed as an obstacle, or convey an impression that change is bad. Instead, change occurs as a result of public administrator's ongoing efforts to improve the way they help provide public services.

Human resources management is increasingly dynamic and complex; their antecedents go back for decades. During the twentieth century at least 12 major federal administrative reforms that affect personnel administration took place, and there were countless other similar changes in state and local governments (Kellough 2003). This equates to approximately one major change every eight years. Couple the many changes with inadequate research, and it is fairly easy to conclude that human resources management is an elusive field of practice.

The historical impact of changing values and personnel systems on the role of the public personnel manager is depicted in table 3.1. It is evident that the field of public personnel management is turbulent and transitional. During stage one (1789–1828), a time when gentlemen ran government, public employment was mainly awarded to the elites. The birth of the patronage system occurred during stage two (1828-1883). That system used employment to reward political party members and campaign workers employment after their candidate was elected to office. The civil service merit system began with stage three ((1883-1933). During this period, the merit system protected employee rights by limiting political and administrative abuse. The role of the public personnel manager was that of a watchdog against the spoils system, and evolved during the three following stages. Stage four (1933-1964) has been described as a “hybrid model that achieves both efficiency and effectiveness by filling most positions through civil service, and responsiveness by filling a few confidential and policy-making position through patronage” (Klingner, 2003, pg 24). Collective bargaining in the public sector began during stage five (1964-1980), and the terms and conditions for employment were established through contract negotiations. This period also represents a time when affirmative action was used to attain social equity through the courts for women and minorities in the workplace. During stage six (1980-Pres) there was pressure on government to do more with less. In response, government began using techniques such as management by objectives, program evaluation, and deficit reduction.

Table 3.1 Evolution of the Public Personnel Manager

Stage	Dominant Value	Dominant System	Public Personnel Manager's Role
One (1789-1828)	Responsiveness	Government by elites Gentlemen	Patronage of the elite
Two (1828-1883)	Responsiveness	Patronage	The Spoils System
Three (1883-1933)	Efficiency, individual rights	Civil Service	Watchdog against the Spoils System
Four (1933-1964)	Responsiveness, efficiency	Patronage Civil Service	Adherence to legislative mandates, and watchdogs
Five (1964-1980)	Responsiveness, efficiency, individual rights, and social equity	Patronage, Civil Service, collective bargaining, and affirmative action	Consultation, balance among competing values and objectives
Six (1980-present)	Individual accountability, limited and decentralized government, and community responsibility	Alternative organizations, mechanisms, and flexible employment relationships	Adherence to legislative limits, and contract compliance.

As depicted in table 3.1, Evolution of The Public Personnel Manager, the ever-changing nature of human resources management is brought about in part by the continued research that renews interest in a debate that has taken many forms. The debate centers on research standards in the field of human resources. Streib, Slotkin, and Rivera (2001) support practitioners' needs; their focus has been on whether different research methodologies are effective instead of the types of knowledge required for success. While Streib et al. have offered important insight, they have leaned more toward an academic research agenda, which raises doubts and questions about the future role of "practice" in the field of public administration. Research should rise above the individual and particular problems of day-to-day practical administration.

Streib et al. (2001) maintain that public administration has been clinging to practitioner focus to justify its existence in higher education, while others argue that this behavior has hindered the field's intellectual development. These comments raise serious concern, given that practice is, in many ways, the very soul of the field. Research findings and developments greatly affect the functions of human resources management.

Functions of Human Resources Management

Human resources management is a people function. Nevertheless, historical traditions emphasize the technical side of personnel management, with less emphasis on policy-related analytical work and relationships with outside organizations. Personnel departments have traditionally been involved in activities such as recruiting employees, administering compensation, organizing recreational activities, conducting training programs, and maintaining records (Sampson, 1993).

Sampson (1997) contrasted personnel directors and human resources managers, and studied the perceptions of the public personnel function among line managers and chief executive officers. He found that personnel departments deliver maintenance services rather than participate in policy development. Personnel directors perceive themselves as having few policy-making roles in important functions. Human resources departments are expected to exercise control over organizational maintenance functions such as orientation and clerical processing of performance appraisals.

Klingner (1997) discovered that modern personnel directors do not work in isolation, but work closely with other officials within their own organization, such as budget directors, attorneys, collective bargaining negotiators, affirmative action compliance officers, and

supervisors. In addition, they work with officials outside the organization, such as legislative staff, union officials, affirmative action agencies, civil service boards, health and life insurance benefit representatives, pension boards, ethics commissions, and employee assistance programs to assist with substance abuse and other personnel problems.

Harris (2002) acknowledges that the work of personnel managers is difficult to evaluate. He stresses the fact that human resources managers act primarily as facilitators by providing professional expertise to allow “other managerial work to happen.” Furthermore, Harris maintains that it is important to keep in mind the difficulty of defining and measuring the contributions when determining the direction of the human resources function. Harris (2002) believes that current times are confusing for human resources management functions in many organizations because of tensions between hard and soft control strategies. On the one hand, an organization’s priority is to maximize its resources and reduce costs. These priorities may conflict with other human resources management priorities, such as to enhance employees’ commitment to the organization and encourage fair treatment. Harris (2002) identifies the central issue in human resources management as the need for better-shared understandings of what the functional priorities should be, or what the human resources management organizational contributions should be.

In their analysis of current human resource management publications, Hoobler and Johnson (2004) discovered that the goals of personnel management have evolved from eliminating waste, inefficiency, and human suffering to focus more on organizational perspectives, such as performance enhancement. Additionally, they highlight the fact that human resources management has grown from largely a maintenance function, or an inherent cost of doing business, to an operation that scholars and practitioners regard as a source of

sustained competitive advantage for organizations. Hoobler and Johnson (2004) acknowledge that human resources management was once charged mainly with record keeping, but has evolved into a strategic partner, sharing boardroom status with the accounting, marketing, and finance departments.

Like Hoobler and Johnson, Truss et al. (2002) examined the strategic nature of human resources management. They maintain that a strategic role requires strategic decision-making. Furthermore, they argue that decision-making encompass long-term vision. Therefore, the human resources function should to welcome change and encourage learning, and to focus on the future needs of the organization by helping to develop the strategic direction of the organization. This argument is based on the premise that individuals working in a human resources department are able to exercise discretion over the activities on which they spend their time, and that they can engage in deliberate acts to alter that role (Truss et al. 2002).

The nature of human resources management is both personal and political, thus situational awareness is paramount. The function of human resources management is ever-changing; therefore professional competency is of the essence.

Professional Technical Knowledge

Public personnel management requires that personnel directors be well versed in the laws and regulations that control human resources practices within a particular organization (Klingner 1997). Many lawsuits have been filed, and millions of dollars lost, due to inadequate knowledge of human resources practices at the manager level. Human resources managers must understand their role and responsibilities in this vital area. Not only is ignorance of the applicable employment laws no defense; human resources managers who use that claim as a defense may

find themselves personally liable, since lack of knowledge demonstrates malfeasance of office, dereliction of duty, and a willful disregard of directives. The organization could very well conclude that it is not obligated to defend the accused manager (Hickman, 2001).

There are many employment laws that potentially have a direct impact on an organization. Employment laws cover a wide range of employee issues, such as wrongful termination, leave, discrimination, sexual harassment, retaliation, breach of employment contract, whistle blowing, and defamation. A human resources manager's failure to comply with employment law can result in costly lawsuits that drain an organization as well as an individual. The next section is a generalized overview of the employment laws that affect the everyday functions of a Texas county human resources manager.

Fair Labor Standards Act of 1938: Fair Labor Standards Act provides for the establishment of fair labor standards in employment affecting interstate commerce. Congress determined there to be an existence of labor conditions detrimental to minimum standard of living necessary for health, efficiency, and general well being of workers. The Fair Labor Standards Act is designed to correct and eliminate the erosion of living standards without substantially curtailing employment or earning power. Specifically, the Fair Labor Standards Act provides for minimum standards for both wages and overtime entitlement, and provides administrative procedures by which performed labor is to be compensated. Included in the Fair Labor Standards Act are provisions related to child labor and equal pay.

In addition, the Fair Labor Standards Act exempts specified employees or groups of employees from the application of certain provisions. Any person who violates the Fair Labor Standards Act as it relates to the minimum wage standards, overtime wages, child labor, and

equal pay could be subject to a fine of not more than \$10,000.00, or imprisoned for not more than six months, or both.

Additionally, the employer shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or unpaid overtime compensation, and in an additional equal amount as liquidated damages. (Section 16, Fair Labor Standard Act of 1938, Volume 29 United States Code).

Equal Pay Act of 1963. As part of the Fair Labor Standards Act of 1938, the Equal Pay Act of 1963 is administered and enforced by the Equal Employment Opportunity Commission. The Equal Pay Act of 1963 prohibits sex discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce. Specifically, the act requires employers to pay employees the same for equal work on jobs which require equal skill, effort, and responsibility, and which are performed under similar working conditions³ (Public Law 88 – 38, Volume 29, United States Code, Fair Labor Standards Act of 1938). The Equal Pay Act prohibits discrimination of the following:

- Employers may not reduce wages of either sex to equalize pay between men and women.
- A violation of the Equal Pay Act may occur where a different wage was/is paid to a person who worked in the same job before or after an employee of the opposite sex.
- A violation may also occur where a labor union causes the employer to violate the law.

³ Exception is made where payment is pursuant to a seniority system, a merit system that measures earning by quantity or quality of production, or a differential based on any factor other than sex.

The Equal Pay Act is applicable⁴ to labor organizations and employment agencies. It prohibits labor organizations from attempting to cause an employer to violate that statute. For instances, any person who willfully violates provisions of The Equal Pay Act shall upon conviction be subject to a fine of not more than \$10,000.00, or imprisoned for not more than six months, or both. Violations of The Equal Pay Act shall be liable to the employee or employees for their unpaid minimum wages, or their unpaid overtime compensation, in additional equal amount as liquidated damages (Section 216, Equal Pay Act of 1963). In fiscal year 2004, the Equal Employment Opportunity Commission received 1,011 charges of compensation discrimination. The Equal Employment Opportunity Commission resolved 996 compensation discrimination charges in fiscal year 2004 and recovered \$6.4 million in monetary benefits for charging parties.

Title VII of the Civil Rights Act of 1964. The Civil Rights Act of 1964 was enacted to enforce the constitutional right to vote, to confer jurisdiction upon the district courts for the United States to provide injunctive relief against discrimination in public accommodations, to authorized the Attorney General to institute lawsuits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, and to establish a Commission on Equal Employment Opportunity. Thus, there are eleven Titles to the Civil Rights Act of 1964, they are:

Title I - Voting Rights

Title II - Injunction Relief Against Discrimination in Places of Public Accommodation

Title III - Desegregation of Public Facilities

Title IV - Desegregation of Public Education

⁴ Twenty or more employees and no employee minimum.

Title V - Commission on Civil Rights

Title VI - Nondiscrimination in Federally Assisted Programs

Title VII - Equal Employment Opportunity

Title VIII - Registration and Voting Statistics

Title IX - Intervention and Procedure After Removal in Civil Rights Cases

Title X - Establishment of Community Relations Service

Title XI - Miscellaneous

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based upon race, color, religion, sex, or national origin. Title VII also created the Equal Employment Opportunity Commission (EEOC). The Equal Employment Opportunity Commission is composed of five members, not more than three of which shall be members of the same political party. Members of the Commission shall be appointed by the President and with the advice and consent of the Senate for a term of five years. The Equal Employment Opportunity Commission is empowered to prevent any person from engaging in an unlawful employment practices (Civil Rights Act of 1964, Public Law 88–352, Volume 42, United States Code). Title VII, is also applicable to labor organizations and employment agencies. Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government. Race/Color discrimination protections include:

Race/Color Discrimination. It is unlawful to discriminate against any employee or applicant for employment because of his/her race or color in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude minorities and that are not job related. Equal employment opportunity cannot be denied because of marriage to or association with an individual of a different race; membership in or association with ethnic based organizations or groups; or attendance or participation in schools or places of worship generally associated with certain minority groups. Title VII violations of this category include:

- Race-Related Characteristics and Conditions. Discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features violates Title VII, even though not all members of the race share the same characteristic. Title VII also prohibits discrimination on the basis of a condition that predominantly affects one race unless the practice is job related and consistent with business necessity. For example, since sickle cell anemia predominantly occurs in African-Americans, a policy that excludes individuals with sickle cell anemia must be job related and consistent with business necessity. Similarly, a "no-beard" employment policy may discriminate against African-American men who have a predisposition to pseudofolliculitis barbae (severe shaving bumps) unless the policy is job related and consistent with business necessity.

- Harassment. Harassment on the basis of race and/or color violates Title VII. Ethnic slurs, racial "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color constitutes unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment or interferes with the individual's work performance.
- Segregation and Classification of Employees. Title VII is violated where employees who belong to a protected group are segregated by physically isolating them from other employees or from customer contact. In addition, employers may not assign employees according to race or color. For example, Title VII prohibits assigning primarily African-Americans to predominantly African-American establishments or geographic areas. It is also illegal to exclude members of one group from particular positions or to group or categorize employees or jobs so that members of a certain protected group generally hold certain jobs. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where people of a certain race or color are excluded from employment or from certain positions.
- Pre-Employment Inquiries. Requesting pre-employment information that discloses or tends to disclose an applicant's race strongly suggests that race will be used unlawfully as a basis for hiring. Therefore, if members of minority groups were excluded from employment, the request for such pre-employment information would likely constitute evidence of discrimination. If an employer legitimately needs information about its employees' or applicants' race for affirmative action purposes and/or to track applicant

flow, it may obtain racial information and simultaneously guard against discriminatory selection by using "tear-off sheets" for the identification of an applicant's race. After the applicant completes the application and the tear-off portion, the employer separates the tear-off sheet from the application and does not use it in the selection process.

- Retaliation. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on race or color, or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

An indication that employers, specifically human resources managers have not been able to grasp the impact and importance of professional technical is demonstrated in the following statistics. In fiscal year 2004, the EEOC resolved 29,631 race charges and recovered \$61.1 million in monetary benefits for charging parties and other aggrieved individuals. The EEOC has observed an increasing number of color discrimination charges. Color bias filings have increased by 125% since the mid-1990s, from 413 in FY 1994 to 932 in FY 2004.

National Origin Discrimination. It is illegal to discriminate against an individual because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group⁵. A rule requiring that employees speak only English on the job may violate Title VII unless an employer shows that the requirement is necessary for conducting business. If the employer

⁵ The Immigration Reform and Control Act (IRCA) of 1986 requires employers to assure that employees hired are legally authorized to work in the U.S. However, an employer who requests employment verification only for individuals of a particular national origin, or individuals who appear to be or sound foreign, may violate Title VII; verification must be obtained from all applicants and employees.

believes such a rule is necessary, employees must be informed when English is required and the consequences for violating the rule. In fiscal year 2004, the Equal Employment Opportunity Commission received 8,361 charges of national origin discrimination. Including charges from previous years, 8,943 charges were resolved, and monetary benefits for charging parties totaled \$22.3 million, not including monetary benefits obtained through litigation.

Religious Accommodation. An employer is required to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship. In fiscal year 2004, the Equal Employment Opportunity Commission received 2,466 charges of religious discrimination. The Equal Employment Opportunity Commission resolved 2,676 religious discrimination charges and recovered \$6.0 million in monetary benefits for charging parties and other aggrieved individuals.

Sex Discrimination. Title VII's broad prohibitions against sex discrimination includes sexual harassment. Sexual harassment is defined as practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment⁶.

In fiscal year 2004, Equal Employment Opportunity Commission received 13,136 charges of sexual harassment. Males filed 15.1% of those charges. Equal Employment Opportunity Commission resolved 13,786 sexual harassment charges in fiscal year 2003 and recovered \$37.1 million in monetary benefits for charging parties and other aggrieved individuals. In fiscal year 2004, Equal Employment Opportunity Commission received 24,249

⁶ The "hostile environment" standard also applies to harassment on the bases of race, color, national origin, religion, age, and disability.

charges of sex-based discrimination. The Equal Employment Opportunity Commission resolved 26,598 sex discrimination charges in fiscal year 2004 and recovered \$100.8 million in monetary benefits for charging parties and other aggrieved individuals, not including monetary benefits obtained through litigation.

Pregnancy Based Discrimination. Discrimination is based on pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government.

In fiscal year 2004, Equal Employment Opportunity Commission received 4,512 charges of pregnancy-based discrimination. The Equal Employment Opportunity Commission resolved 4,512 pregnancy discrimination charges in FY 2004 and recovered \$11.3 million in monetary benefits for charging parties and other aggrieved individuals, not including monetary benefits obtained through litigation. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations. Title VII's pregnancy-related protections⁷ include:

- Hiring. An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients, or customers.

⁷ Pregnancy related information was obtained from the Equal Employment Opportunity Commission website: www.eeoc.gov

- Pregnancy and Maternity Leave. An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements. If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled due to pregnancy to do the same.
- Pregnancy. Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth. Employers must hold open a job for a pregnancy-related absence the same lengths of time jobs are held open for employees on sick or disability leave.
- Health Insurance. Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

- Pregnancy-related expenses. Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis. The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed. Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.
- Fringe Benefits. Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions. If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions. Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Under Title VII of the Civil Rights Act of 1964, it is illegal to discriminate in any aspect of employment. The below listed prohibitions also apply to the Age Discrimination Act and the Americans With Disability Act, they include:

- Hiring and firing;
- Compensation, assignment, or classification of employees;
- Transfer, promotion, layoff, or recall;
- Job advertisements;
- Recruitment;
- Testing;
- Use of company facilities;
- Training and apprenticeship programs;
- Fringe benefits;
- Pay, retirement plans, and disability leave;
- Other terms and conditions of employment;
- Harassment on the basis of race, color, religion, sex, national origin, disability, or age;
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and
- Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.
- Title VII also prohibits discrimination because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

Age Discrimination in Employment Act of 1967. The Civil Rights Act increased sensitivity to discrimination. Congress discovered that there existed a common practice among employers of setting arbitrary age limits regardless of potential for job performance. Additionally, Congress discovered that the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability is relative to the younger ages, high among older workers, and an existence in industries affecting commerce, of arbitrary discrimination in employment because of age, burdens commerce and the free flow of goods. The Age Discrimination in Employment Act of 1967 prohibits age discrimination in employment. Congress declared that in the face of rising productivity and affluence, older workers find themselves disadvantaged in their efforts to retain employment, and especially to regain employment when displaced from jobs. The General Counsel's authority under the Age Discrimination in Employment Act⁸ applies to state and local governmental employers as well as private employers. The Age Discrimination in Employment Act is also applicable to labor organizations and employment agencies, and allows an employee to work for as long as he or she wants provided they meet set performance standards.

Specifically, the intention of the Age Discrimination in Employment Act is to protect employees 40 years of age and older⁹. (Public Law, 90-202, Volume 29, United States Code). Specifically, the Age Discrimination in Employment Act prohibits age discrimination in the following instances¹⁰:

⁸ Affects employers with 20 or more employees.

⁹ An exception to this policy affects positions in public safety and airline pilots due to the belief that age might jeopardize safety.

¹⁰ Information was obtained from the EEOC website: www.eeoc.gov.

- Statements or specifications in job notices or advertisements of age preference and limitations. An age limit may only be specified in the rare circumstance where age has been proven to be a *bona fide* occupational qualification ;
- Discrimination on the basis of age by apprenticeship programs, including joint labor-management apprenticeship programs; and
- Denial of benefits to older employees. An employer may reduce benefits based on age only if the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

In Fiscal Year 2004, the Equal Employment Opportunity Commission received 17,837 charges of age discrimination. The Equal Employment Opportunity Commission resolved 15,792 age discrimination charges in Fiscal Year 2004 and recovered \$60 million in monetary benefits for charging parties and other aggrieved individuals.

Americans with Disabilities Act of 1990. Historically, society has tended to isolate and segregate individuals with disabilities. Discrimination against individuals with disabilities was common in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services. Individuals who have experienced discrimination on the basis of disability often had no legal recourse to redress such discrimination. The American with Disabilities Act of 1990 prohibits discrimination based on a person's physical or mental disability. The Americans with Disability Act has five Titles to provide clear, strong, consistent, enforceable standards to address discrimination against individuals with disabilities. They are:

Title I - Employment

Title II - Public Services

Title III - Public Accommodations and Services Operated By Private Entities

Title IV - Telecommunications

Title V - Miscellaneous Provisions

(Americans With Disabilities Act of 1990. Public Law 101 – 226. Section 29, United States Code. July 26, 1990). The Americans With Disabilities Act prohibits discrimination on the basis of disability in all employment practices. It is necessary to understand several important Americans With Disabilities Act definitions to know who is protected by the law, what constitutes illegal discrimination, and applying the definitions to the situation at hand:

Individual with a Disability. An individual with a disability under the Americans with Disability Act is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. Major life activities are activities that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, and working.

Qualified Individual with a Disability. A qualified employee or applicant with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation. Reasonable accommodation may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. Reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by people without disabilities. An employer is not required to lower production standards to make an accommodation. An employer generally is not obligated to provide personal use items such as eyeglasses or hearing aids.

Undue Hardship. An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operation of the employer's business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a business' size, financial resources, and the nature and structure of its operation.

Prohibited Inquiries and Examinations. Before making an offer of employment, an employer may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in the same job category. Medical examinations of employees must be job-related and consistent with business necessity.

Drug and Alcohol Use. Employees and applicants currently engaging in the illegal use of drugs are not protected by the Americans with Disability Act when an employer acts on the basis of such use. Tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to the Americans with Disability Act's restrictions on medical examinations.

Employers may hold individuals who are illegally using drugs and individuals with alcoholism to the same standards of performance as other employees. Under the Americans with Disabilities Act, the Office of the General Counsel of the Equal Employment Opportunity Commission is empowered to bring suit against non-government employers with 15 or more employees. This law also applies to labor organizations and employment agencies. Additionally, employers are required to post notices to all employees advising them of their rights under the laws Equal Employment Opportunity Commission enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

In fiscal year 2004, Equal Employment Opportunity Commission received 15,376 charges of disability discrimination. The Equal Employment Opportunity Commission resolved 16,949 disability discrimination charges in FY 2004 and recovered \$47.7 million in monetary benefits for charging parties and other aggrieved individuals, not including monetary benefits obtained through litigation.

Family and Medical Leave Act Of 1993. Congress found that the number of households in which the single parent or both parents work was increasing significantly. They believed it was important for the development of children and the family unit that parents are able to participate

in early childrearing and the care of family members who have serious health conditions. They discovered that the lack of employment policies to accommodate working parents forced individuals to choose between job security and parenting, and that there was inadequate job security for employees who had serious health conditions that prevented them from working for temporary periods. Additionally, due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and that employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender¹¹.

As a result of the above findings, Congress passed the Family and Medical Leave Act (FMLA) on February 5, 1993 to grant family and temporary medical leave under certain circumstances. FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. FMLA entitles employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition in a manner that accommodates the legitimate interests of employers consistent with the Equal Protection Clause of the Fourteenth Amendment, which minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis. Finally, the FMLA is intended to promote

¹¹ Information was obtained from the Department of Labor website: www.dol.gov/esa.

the goal of equal employment opportunity for women and men, pursuant to the Equal Protection Clause¹².

Under the Family and Medical Leave Act of 1993, employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the birth of a son or daughter of the employee and the care of such son or daughter, the placement of a son or daughter with the employee for adoption or foster care, the care of spouse, son, daughter, or parent of the employee who has a serious health condition, or a serious health condition of the employee that makes the employee unable to perform the essential functions of the position.

Under certain conditions, an employee may use the 12 weeks of family or medical leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws for using annual and sick leave, for any unpaid leave under the FMLA. Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment." An employee must provide notice of intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable (Public Law 103 – 3, Volume 29, United States Code).

The Health Insurance Portability and Accountability Act of 1996 (HIPAA). “As part of the Internal Revenue Code of 1986, The Health Insurance Portability and Accountability Act of 1996 was enacted to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care deliver, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance. Additionally, The

¹² Information was obtained from the Department of Labor website: www.dol.gov/esa.

Health Insurance Portability and Accountability Act protects health insurance coverage for workers and their families when they change or lose their jobs. The Health Insurance Portability and Accountability Act also included a provision the adoption of national standards for electronic health care transactions. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information. Consequently, Congress incorporated a provision that mandated the adoption of Federal privacy protections for individually identifiable health information.

HIPAA's final regulation was in the form of the Privacy Rule, which became effective on April 14, 2001. This Rule set national standards for the protection of health information, as applied to the three types of covered entities: health plans, health care clearinghouses, and health care providers who conduct certain health care transactions electronically. By the compliance date of April 14, 2003, covered entities implemented standards to protect and guard against the misuse of individually identifiable health information” (Internal Revenue Code of 1986, Public Law 104 – 191).

The Equal Employment Opportunity Commission is the federal enforcement agency that enforces the employment laws as well as provides oversight and coordination of all federal Equal Employment Opportunity regulations, practices, and policies.

Equal Employment Opportunity Commission¹³

The Civil Rights Act of 1964 was signed into law on July 2, 1964 and became effective one year later. It was forged in an atmosphere of urgency, a growing unrest emanating from the pervasive and egregious racial discrimination and segregation exposed during the civil rights

¹³ Information about the EEOC was obtained from its website. www.eeoc.gov.

protests in the 1960s. The Equal Employment Opportunity Commission was established by Title VII of the Civil Rights Act of 1964 and stands as the nation's premier civil rights enforcement agency. The Equal Employment Opportunity Commission's mission is the elimination of illegal discrimination from the workplace. Despite the urgency for such legislation, the path that led to passage was difficult. Many legislative battles forced concessions and compromises to avoid a Senatorial filibuster that threatened to kill the entire Civil Rights Act. Perhaps the most serious compromise occurred in the employment section of the proposed Civil Rights Act, a section that became known as Title VII, that prohibited discrimination based on race, color, national origin, sex, religion, and retaliation. That compromise resulted in a bill that eliminated any real enforcement authority for Equal Employment Opportunity Commission. Instead, Equal Employment Opportunity Commission's five-member bipartisan commission was left only with power to receive, investigate, and conciliate complaints where it found reasonable cause to believe that discrimination had occurred.

Initially, the Equal Employment Opportunity Commission's primary method of enforcement was conciliation, education, outreach and technical assistance. The Equal Employment Opportunity Act of 1972 amended Title VII to give the Equal Employment Opportunity Commission authority to enforce the statute through lawsuits in the federal and state courts. Litigation enforcement authority together with innovative programs such as the alternative dispute resolution and mediation has become the tools utilized in resolving disputes. The Office charged with litigation enforcement is the Office of General Counsel.

Office of General Counsel

The Equal Employment Opportunity Act of 1972 created the Office of General Counsel. The General Counsel is appointed by the President and confirmed by the Senate for a term of four years. The mission of the Office of General Counsel is to conduct litigation on behalf of the agency to obtain relief for victims of employment discrimination and to ensure compliance with the statutes that the Equal Employment Opportunity Commission is charged with enforcing. Following transfer of enforcement functions from the U. S. Department of Labor to the Equal Employment Opportunity Commission under a 1978 Presidential Reorganization Plan, the General Counsel was also vested with responsibility to conduct Equal Employment Opportunity Commission litigation under the Equal Pay Act of 1963 (EPA) and the Age Discrimination in Employment Act of 1967 (ADEA). The enactment of the Americans with Disabilities Act (ADA) in 1990 granted litigation responsibility to the Office of General Counsel under its employment provisions as well.

The litigation enforcement authority of the Office of General Counsel has proven to be costly to organizations are found to have violated employment laws.

Litigation

In 2000, plaintiffs filed about 21,000 civil rights complaints in federal district courts throughout the United States. During that same year 1,652 civil rights complaints reached a jury verdict where plaintiffs prevailed in 33 percent of the cases. The median verdict in favor of employees was \$155,000.00 and 14 percent of those cases exceeded one million and 7 percent exceeded ten million (Miller, 2003, Pg 39).

In Fiscal Year¹⁴ 2002, the Equal Employment Opportunity Commission received 84,442 individual charges claiming unlawful retaliation, harassment and claims of discrimination based on race, sex, national origin and religion based on the Title VII of the Civil Rights Act of 1964, the Age Discrimination of Employment Act of 1967, Americans with Disabilities Act of 1990, and the Equal Pay Act of 1963 (Miller, 2003, Pg 79).

In Fiscal Year 2003, the Equal Employment Opportunity Commission's Office of General Counsel through its litigation program emphasized to the nation that it would not tolerate unlawful discriminatory conduct in the workplace. Specifically, in Fiscal Year 2003, Equal Employment Opportunity Commission obtained an unprecedented \$148,745,236 in monetary relief through litigation. It was the highest fiscal year monetary recovery in the history of the Equal Employment Opportunity Commission's litigation program.

As one can quickly deduce, employment law can financially impact an organization, as well as affecting its morale and goodwill. Table 3.2 illustrates the linkage between the descriptive categories to the literature.

¹⁴ The Fiscal Year of the federal government is from October 1 to September 30.

Table 3.2 Linkage of Descriptive Categories to the Literature

Descriptive Categories	Sources
Introduction	
<ul style="list-style-type: none"> • Nature of Human Resources Management 	Kellough 2003, Klingner 1997, Streib 2001
<ul style="list-style-type: none"> • Functions of Human Resources Management 	Sampson 1993, Klingner 1997, Harris 2002, Hoobler 2004, Truss 2002
Professional Knowledge	
Employment Law	EEOC 2005, Klingner 1997, Hickman 2001
<ul style="list-style-type: none"> • Age Discrimination in Employment Act 	ADEA 1967
<ul style="list-style-type: none"> • Americans with Disability Act 	ADA 1990
<ul style="list-style-type: none"> • Equal Pay Act 	EPA 1963
<ul style="list-style-type: none"> • Family Medical Leave Act 	FMLA 1993
<ul style="list-style-type: none"> • Federal Labor Standards Act 	FLSA 1993
<ul style="list-style-type: none"> • Health Insurance Portability and Accountability Act 	HIPAA 1996
<ul style="list-style-type: none"> • Title VII, Civil Rights Act 	CRA 1964

Chapter Four. Intangible Skills and Abilities

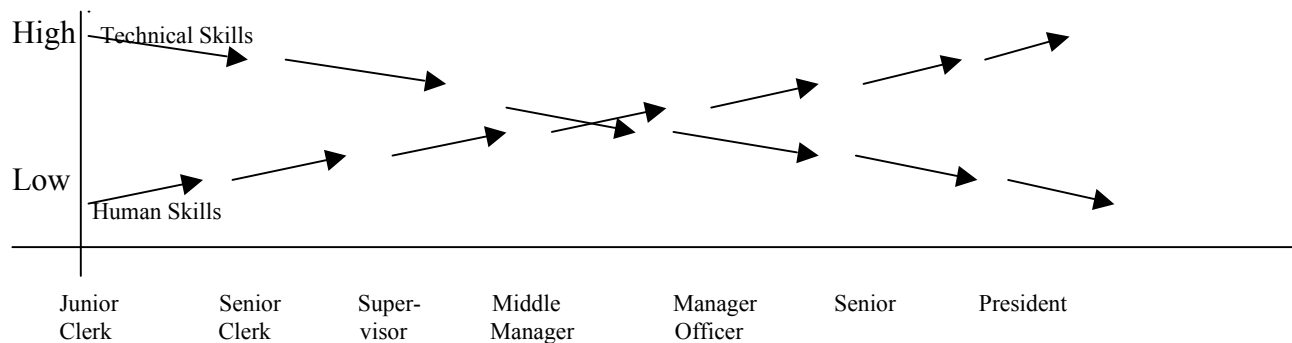
Introduction

Intangible qualities are the everyday professional, leadership, and personal skills and abilities that guide decision-making, and the vital and practical values and abilities that are an integral part of effective human resource management. These ever-so-important attributes are difficult to describe and understand because of their very nature - they are invisible, unqualifiable, and extremely difficult to measure. Nevertheless, successful human resources managers must possess and be able to demonstrate those intangible skills and abilities on a daily basis. These skills and abilities are not taught, but rather learned on the job; moreover, they are uniquely preferred and valued by employers. Human resources managers are evaluated on the outcomes of problems without established precedence. Positive results are expected when confronting unique situations and issues. An effective human resource manager will sooner or later be required to demonstrate an understanding and competence in these intangible skills and abilities.

This chapter describes the current literature on the intangible qualities of interest. It also develops the working hypotheses that guided the author's collection of data from human resources managers. As part of this study, the author gathered data on the perceptions of human resource managers about the nature and function of intangible qualities needed to perform their jobs in central Texas counties.

Scheer (1970) describes his philosophy of management in the diagram below. The diagram describes the importance of technical and human skills by occupation, beginning with a low-level position (clerk) and extending to mid-level (manager) and high-level (president) positions.

Figure 4.1 Philosophy of Management Skills



Scheer (1970, pg 26) notes that technical skills are high in importance at the clerk level, and decrease in salience as the position increases in responsibility. Conversely, the human skills are high in importance at the president (top) level, and decrease as the importance of technical skills increase. Scheer explains with the following analogy: “as an executive advances in his company, his perspective changes, it is like looking at the painting, as he steps back he sees less detail but is more aware of the total picture” (Scheer 1970, pg. 26).

Hall (1968) describes professionalism as having both structural and attitudinal variables. The structural characteristic is defined as the development of a recognized occupation, the creation of training schools and professional associations, and the development of a code of ethics. The attitudinal attributes are presented below because they represent the intangible aspect of professionalism. The attitude is reflective of the manner in which practitioners view their work, and how their ideologies directly reflect the degree of professionalism characteristic of their occupation. The five attitudinal attributes that define Hall’s professionalism model are:

- Use of professional organization as a major reference. This involves both the formal organization and informal colleague groupings as the

- major source of ideas and judgment for the professional in his work;
- Belief in service to the public. This component includes the idea of indispensability of the profession and the view that the work performed benefits both the public and the practitioner;
 - Belief in self-regulation involves the belief that the person best qualified to judge the work of professional is a fellow professional, and the view that such a practice is desirable and practical. It is a belief in colleague control;
 - A sense of calling to the field reflects the dedication of the professional to his work and the feeling that he would probably want to do the work even if fewer extrinsic rewards were available; and
 - Autonomy involves the feeling that the practitioner ought to be able to make his own decisions without external pressures from clients, those who are not members of his profession, or from his employing organization (Hall 1968, p. 93).

Klingner (1993) analyzes professionalism and its relationship to innovation from an organizational perspective. Klingner (1993) finds that a high degree of professionalism among administrators who adopt public policy will probably increase the potential for innovative administrative policies, and those policies are likely to be radical instead of incremental. Among the dimensions of professionalism, a high degree of belief in self-regulation and the use of the professional organization as a major referent have the most significant impact on policy adoption and the radicalism of the adopted policy in general. Among the dimensions of professionalism,

autonomy and self-regulations have the greatest effect on the breadth of policy, and autonomy has the greatest impact on severity of consequences.

In their person-centered management approach, Hickman and Lee (2001) view an employee as a complex, multifaceted individual whose functions are interactive as opposed to isolated and self-sustaining. Hickman and Lee support a strong relationship between the human resources manager and the employee. They believe that the relationship must involve mutual trust, respect, and bona fide concern for the employee's welfare. Managers must know how to ask questions, guide a group to consensus, and use information to demonstrate the need for action. No longer can managers rely solely on traditional factors such as power, authority, and control to accomplish the work.

The human resources manager must be a leader, project director, coach, delegator, facilitator, colleague/mentor, communicator, influencer, resource person, and diagnostician of human and organizational problems. Through specialized human resource training programs such as those offered at the International Personnel Management Association (IPMA) and Society for Human Resource Management (SHRM), human resources professionals are able to grow and develop their core competencies – the intangible attributes. Hickman and Lee (2001) identified the essential elements listed below and believe they are required for meeting the challenges of the new millennium. Human resources managers must:

- Understand the public's service environment;
- Be innovative and create a risk-taking environment;
- Use and understand systems thinking;
- Think strategically and creatively;
- Design and implement processes of change;

- Use consensus and coalition-building skills;
- Build trusting relationships;
- Demonstrate customer service orientation;
- Understand, value, and promote diversity;
- Understand team behavior, and
- Practice and promote integrity and ethical behavior (Hickman and Lee 2001, p.143).

Hays and Kearny (2001) surveyed the entire 1998 United States membership of the American Society for Public Administration's (ASPA) Section on Personnel and Labor Relations (SPALR) and the personnel directors in federal, state, and local government listed in the 1997 membership directory of the International Personnel Management Association (IPMA) for Public Administration. The respondents were asked to describe the core values operating in their personnel offices today and the values they believe to have a significant impact in the decade ahead. The values identified were:

- Equity – the just and fair treatment of all employees, regardless of gender, race, and other individual characteristics;
- Efficiency – to minimize waste and maximize productivity;
- Professionalism – helping to upgrade the expertise, ethics, and professional values of employees;
- Leadership – implementing the agenda;
- Representativeness – maintaining a diverse workforce;
- Merit;

- Political responsiveness – to external groups such as legislators and the public; and
- Neutral competence – protecting merit system employees from political influences (Hays and Kearny 2001, p. 588).

The state of Idaho initiated a training needs assessment prior to developing a program to improve the quality of management in state government, and to fill management vacancies with trained managers (Patton and Pratt 2002). The advantages and disadvantages of various training needs assessment techniques were reviewed prior to developing a comprehensive management development program. A focus group was formed and that group found that managers were most concerned with effectively performing their roles and responsibilities as managers. The focus group suggested that managers must demonstrate leadership and human relations skills in the performance of their duties and responsibilities. As a result, the Certified Public Manager Program that is offered in several states across the county was used as a benchmark to develop Idaho's comprehensive management training program. The relevancy of the Certified Public Manager Program is that three of the four general management areas center on intangible skills. These skill include:

- General Administration and Organization. Includes topics such as **managerial ethics** and **professionalism**.
- Analytical and Conceptual. Consist of **problem solving** and **decision-making** models.
- Human Skills. Topics include effective **interpersonal** and **organizational communication, leadership** styles

and the impact on employee morale and productivity,
motivation including employee performance,
performance standards, and performance feedback,
discipline and grievance handling.
(Patton and Pratt 2002)

The intangibles listed below were identified in a major survey that was distributed to the members of the IPMA and the ASPA's Section on Personnel and Labor Relations. Of particular interest was the final section of the survey, which asked questions related to the values operating in the respondent's personnel office. The list includes intangibles such as executive leadership, representativeness, merit, political responsiveness, and neutral competence (Hays 2001). The intangibles in order of selection by practitioners and scholars were:

- **Equity** confirms the abiding significance of public sector human resource management's commitment to the just and fair treatment of all employees, regardless of gender, race, and other individual characteristics.
- **Efficiency** is defined as trying to minimize waste and maximize productivity, an indication of how deeply the reinventing government philosophy and its business mentality have penetrated human resource management in government.
- **Professionalism** is defined as helping to upgrade

the expertise, ethics, and professional values of employees.

The “Practices for Effective Local Government Management” developed by members of the International City/County Management Association (ICMA) describe the knowledge and skills required of an effective local government manager. ICMA has worked to support professional local government management since 1914 and has more 8,000 administrators and assistants among its membership. The practices were developed through a process of workshops, forums at state meetings, two national surveys, and multiple meetings of a special task force, and were compared and contrasted against 266 articles published in *Public Administrative Review* from 1984 to 1998 that contributed to the enhancement of effective local government management. The “practices” that follow define the intangible human skills found in human resources management that must be demonstrated effectively; they are the cornerstone of ICMA’s efforts to maintain the skills and competence of local government managers (Streib 2001).

Staff Effectiveness. Promoting the development and performance of staff and employees throughout the organization; requires knowledge of **interpersonal relations** and skills in **motivation** techniques;

- **Coaching/mentoring:** Providing direction, support, and feedback to enable others to meet their full potential requires knowledge of feedback techniques; ability to assess performance and identify others developmental strengths and weaknesses;

- **Team leadership:** Facilitating teamwork; requires knowledge of team relations; ability to direct and coordinate group efforts; skill in leadership techniques;
- **Empowerment:** Creating a work environment that encourages responsibility and decision making in all organizational levels; requires skill in sharing authority and removing barriers to creativity;
- **Delegating:** Assigning responsibility to others (requires skill in defining expectations, providing direction and support, and evaluating results)

Service-Delivery Management. Ensuring that local government services are provided to citizens effectively, efficiently, and responsively; requires knowledge of service areas and delivery options; skill in assessing community needs, allocating resources, and predicting the impact of service delivery decisions; ability to set performance/productivity standards and objectives and measure results;

- **Functional/Operational expertise:** Understanding the basic principles of service delivery in functional areas--such as administrative services;
- **Operational planning:** Anticipating future needs, organizing work operations, and establishing timetables for work units or projects;

requires knowledge of technological advances and changing standards; skill in identifying and understanding trends;

Strategic Leadership. Setting an example that urges the organization and the community toward experimentation, change, creative problem solving, and prompt action; requires knowledge of personal leadership style; skill in visioning, shifting perspectives, and identifying options; ability to create an environment that encourages initiative and innovation.

- **Initiative and risk taking:** Demonstrating a personal orientation toward action and accepting responsibility for the results; resisting the status quo and removing stumbling blocks that delay progress toward goals and objectives;
- **Vision:** Conceptualizing an ideal future state and communicating it to the organization and the community;
- **Creativity and innovation:** Developing new ideas or practices; applying existing ideas and practices to new situations;

Democratic Responsiveness. Demonstrating a commitment to democratic principles by respecting the decision-making process; skill in group dynamics, communication, and facilitation; requires ability to appreciate and work with diverse individuals and groups.

- **Democratic advocacy:** Fostering the values and integrity of representative government and local democracy through action and example;

Organizational Planning and Management. Providing for the short-term and long-term acquisition, allocation and analysis;

Communication. Facilitating the flow of ideas, information, and understandings between and among individuals; requires knowledge of interpersonal and group communication principles; skill in listening, speaking, and writing; ability to persuade without diminishing the views of others.

- **Presentation skills:** Conveying ideas or information effectively to others; requires knowledge of presentation techniques and options; ability to match presentation to audience;
- **Media relations:** Communicating information to the media in a way that increases public understanding of local government issues and activities and builds a positive relationship with the press; requires knowledge of media operations and objectives;
- **Interpersonal communication:** Exchanging verbal and nonverbal messages with others in a way that demonstrates respect for the individual and furthers organizational and community objectives; requires ability to receive verbal and nonverbal cues;

skill in selecting the most effective communication method for each interchange.

Integrity. Demonstrating fairness, honesty, and ethical and legal awareness in personal and professional relationships and activities; requires personal ethics; ability to understand issues of ethics and integrity in specific situations.

- **Personal integrity:** Demonstrating accountability for personal actions and conducting personal and professional relationships and activities fairly and honestly (Streib 2001, ICMA).”

It is quite evident after reviewing the literature that it is not practical to select one set of intangible attributes that depict the optimal set of skills and abilities a human resources manager should utilize in the execution of the day-to-day functions of an organization. The compilation of intangible skills and abilities in the next section was derived from the literature reviewed (Scheer 1970; Hall 1968; Hickman 1964; Klingner 1993; Patton and Pratt 2002; Hays 2001; and Streib, 2001). The qualities are not listed in order of importance, as the order of precedence would be dictated by organizational need. One human resources manager might need to exercise more team leadership skills because the county operates in a committee-driven environment. In contrast, the neighboring county may have strong leadership at the department head positions, and operating by committee would not be conducive to effective governance. There is a hesitation to identify an intangible quality as an ideal type because conceptual models are composed of the essential characteristics of social phenomena (Babbie 2004). As previously noted, the same intangible asset could be viewed as “perfect” in one county and marginal in a neighboring county. The usefulness of a model would be dependent on the political, social,

legal, or morale environment.

Conceptual Framework

The conceptual framework used for this research is the Explorative Category. To provide more breadth to the perceptions of intangibles by human resources managers, this paper will explore a working hypothesis. Tables 4.2, 4.3, and 4.4 illustrate the linkage of exploratory categories to the literature and the working hypotheses. The intangible human skills and abilities explored in this paper consist of three categories: professional, leadership, and personal.

Table 4.2 Linkage of Professional Intangibles to the Literature and Working Hypothesis

Professional Intangibles	
WH1 Human Resources Managers will have opinions, insights, and experiences about the role of professionalism as an intangible function of their job.	Scheer 1970 Hall 1968 Klingner 1993 Hays 2001 Patton 2002
<ul style="list-style-type: none"> Coach – Mentor 	Hickman 2001
WH1a Human Resources Managers will have opinions, insights, and experiences about the role of coach–mentor as an intangible function of their job.	Lee 2001 Streib 2001
<ul style="list-style-type: none"> Empowerment 	Hickman 2001 Lee 2001 Streib 2001
WH1b Human Resources Managers will have opinions, insights, and experiences about the role of empowerment as an intangible function of their job.	
<ul style="list-style-type: none"> Delegate 	Hickman 2001 Lee 2001 Streib 2001
WH1c Human Resources Managers will have opinions, insights, and experiences about the role of delegating as an intangible function of their job.	
<ul style="list-style-type: none"> Operational Planning / Project Management 	Hickman 2001 Lee 2001 Streib 2001
WH1d Human Resources Managers will have opinions, insights, and experiences about the role of operational planning / project management as an intangible function of their job.	
<ul style="list-style-type: none"> Communication 	Hickman 2001 Lee 2001 Patton 2002
WH1e Human Resources Managers will have opinions, insights, and experiences about the role of communication as an intangible function of their job.	
<ul style="list-style-type: none"> Professional Integrity 	Hickman 2001 Lee 2001 Patton 2002 Streib 2001
WH1f Human Resources Managers will have opinions, insights, and experiences about the role of integrity as an intangible function of their job.	

Table 4.3 Linkage of Leadership Intangibles to the Literature and Working Hypothesis

Leadership Intangibles	
WH2 Human Resources Managers will have opinions, insights, and experiences about the role of leadership as an intangible function of their job.	Hickman 2001 Lee 2001 Hays 2001 Patton 2002 Streib 2001
<ul style="list-style-type: none"> • Initiative and Risk-Taking WH2a Human resources managers will have opinions, insights, and experiences about the role of initiative and risk taking as an intangible function of their job.	Hickman 2001 Lee 2001 Streib 2001
<ul style="list-style-type: none"> • Vision WH2b Human resources managers will have opinions, insights, and experiences about the role of vision as an intangible function of their job.	Streib 2001 ICMA 2001
<ul style="list-style-type: none"> • Creativity and Innovation WH2c Human resources managers will have opinions, insights, and experiences about the role of creativity and innovation as an intangible function of their job.	Hickman 2001 Lee 2001 Streib 2001
<ul style="list-style-type: none"> • Leadership WH2d Human resources managers will have opinions, insights, and experiences about the role of leadership as an intangible function of their job.	Hickman 2001 Lee 2001 Hays 2001 Patton 2002 Streib 2001

Table 4.4 Linkage of Personal Intangibles to the Literature and Working Hypothesis

Personal Intangibles			
WH3	Human resources managers will have opinions, insights, and experiences about the role of personal intangible as a function of their job.	Hays	2001
		Hickman	2001
		Lee	2001
		Streib	2001
	• Equity	Hickman	2001
		Lee	2001
WH3a	Human resources managers will have opinions, insights, and experiences about the role of equity as an intangible function of their job.	Hays	2001
		Kearny	2001
	• Efficiency	Hays	2001
WH3b	Human resources managers will have opinions, insights, and experiences about the role of efficiency as an intangible function of their job.	Kearny	2001
		Streib	2001
	• Personal Integrity	Hickman	2001
WH3c	Human resources managers will have opinions, insights, and experiences about the role of personal integrity as an intangible function of their job.	Lee	2001
		Streib	2001

Chapter Five. Research Methodology

Introduction

This study examines the nature and function of human resources management as they relate to the applicable employment laws. This research also links categories of professional knowledge to the literature (table 3.2). This paper also explores the vital intangible assets needed for a human resources manager to succeed. The conceptual frameworks for this research are descriptive and exploratory in nature.

First Research Purpose

The first research purpose examines the nature and function of human resources management; both the relevant laws and the intangible management assets needed to succeed are examined.

The conceptual framework used for this research purpose is the descriptive category.

Employment law consists of seven categories: Federal Labor Standards Act, Equal Pay Act, Title VII of the Civil Rights Act, Age Discrimination in Employment Act, Americans with Disability Act, Family Medical Leave Act, and Health Insurance Portability and Accountability Act.

Second Research Purpose

The second research purpose is to explore the perceptions of human resource managers in central Texas counties about the nature and functions of intangible qualities. The field of human resources management is increasingly dynamic and complex. A successful human resources manager must be able to demonstrate the intangible qualities identified in this research.

Working Hypotheses

Professional Intangible

Intangible skills and abilities promote the professional development and performance of staff and employees. Intangible attributes consist of interpersonal relations, skills in motivation techniques, and the ability to identify other's developmental strengths and weaknesses.

Therefore one would expect:

WH1: Human resource managers will have opinions, insights and experiences about the role of professionalism as an intangible function of their job.

- **Coach / Mentor:** Providing direction, support, and feedback to enable others to meet their full potential requires knowledge of feedback techniques and the ability to assess performance and identify other's developmental needs. Therefore one would expect:

WH1a: Human resource managers will have opinions, insights and experiences about the role of coach/mentor as an intangible function of their job.

- **Empowerment.** Creating a work environment that encourages responsibility and decision-making in all levels; skill in sharing authority and removing barriers to creativity.

WH1b: Human resource managers will have opinions, insights and experiences about the role of empowerment as an intangible function of their job.

- **Delegate:** Assigning responsibility to others; skill in defining expectations, providing direction and support, and evaluating results. Therefore one would expect:

WH1c: Human resource managers will have opinions, insights and experiences about the role of delegating as an intangible function of their job.

- **Operational Planning / Project Management:** Anticipating future needs, organizing work operations, and establishing timetables for work units or projects; prioritizing; ability to use and understand systems thinking; demonstrated customer service orientation; organizational problems diagnostician. Therefore one would expect:

WH1d: Human resource managers will have opinions, insights and experiences about the role of operational planning / project management as an intangible function of their job.

- **Communication:** The ability to communicate and facilitate the flow of ideas, information, and understanding between and among individuals; knowledge of interpersonal and group communication principles; skill in listening, speaking, and writing; and the ability to persuade without diminishing the views of others. Therefore one would expect:

WH1e: Human Resource Managers will have opinions, insights and experiences about the role of communication as an intangible function of their job.

- **Integrity:** Includes managerial ethics; demonstrating fairness, honesty, and ethical and legal awareness in professional relationships and activities; and the ability to understand issues of ethics and integrity in specific situations. Therefore one would expect:

WH1f: Human resource managers will have opinions, insights and experiences about the role of integrity as an intangible function of their job.

Leadership Intangibles

Intangible leadership qualities set an example and encourage experimentation, change, creative problem solving, and prompt action. Therefore one would expect:

WH2: Human Resource Managers will have opinions, insights and experiences about the role of leadership as an intangible function of their job.

- **Initiative and risk-taking:** To demonstrate a personal orientation toward action and accepting responsibility for the results; to resist the status quo and removing stumbling blocks that delay progress toward goals and objectives. Therefore one would expect:

WH2a: Human Resource Managers will have opinions, insights and experiences about the role of initiative and risk-taking as an intangible function of their job.

- **Vision:** The ability to conceptualize an ideal future state and communicate it to employees at all levels. Therefore one would expect:

WH2b: Human resource managers will have opinions, insights and experiences about the role of vision as an intangible function of their job.

- **Creativity and Innovation:** To develop new ideas or practices and apply existing ideas and practices to new situations. The ability to think strategically and creatively, and to encourage initiative, innovation, and resourcefulness. Therefore one would expect:

WH2c: Human resource managers will have opinions, insights and experiences about the role of creativity and innovation as an intangible function of their job.

- **Leadership:** Facilitates teamwork and behavior. It is the ability to direct and coordinate group efforts and to impact employee morale, productivity and motivation, including employee performance, performance standards and performance feedback, discipline, and grievance handling. Therefore one would expect:

WH2d: Human resource managers will have opinions, insights and experiences about the role of leadership as an intangible function of their job.

Personal Intangibles

Personal intangible qualities are the core element a person's character. They center on fairness, ethics, honesty, and trust. Therefore one would expect:

WH3: Human resource managers will have opinions, insights and experiences about the role of personal intangibles as an intangible function of their job.

- **Equity:** Equity confirms the abiding significance of the human resource manager's commitment to the just and fair treatment of all employees, regardless of gender, race, and other individual characteristics. Understands, values, and promotes diversity.

Therefore one would expect:

WH3a: Human resource managers will have opinions, insights and experiences about the role of equity as an intangible function of their job.

- **Efficiency:** Efficiency is defined as the ability to minimize waste and maximize productivity, an indication of how the reinventing government philosophy and its business mentality have penetrated human resource management in government.

Therefore one would expect:

WH3b: Human resource managers will have opinions, insights and experiences about the role of efficiency as an intangible function of their job.

- **Personal Integrity:** To demonstrate fairness, honesty, and ethical and legal awareness in personal relationships and activities; to remain accountable for personal actions; to conduct personal relationships and activities fairly and honestly; and to practice and promote integrity, ethical behavior, and build trusting relationships. Therefore one would expect:

WH3c: Human resource managers will have opinions, insights and experiences about the role of

personal integrity as an intangible function of their job.

Interviews

Qualitative interviews were chosen as a research technique because of the exploratory nature of the second research purpose. Interviews are expected to provide a general overview of the perceptions of human resources managers as to the role of intangible qualities in their jobs. Tables 5.1, 5.2, and 5.3 will be utilized during the interviews with central Texas county human resources managers. The belief is that interviews will attain a higher rate of response, and decrease the number of “don’t knows” and “no answers.” After all, an “interview is a data-collection encounter in which one person (an interviewer) asks questions of another (a respondent). Interviews may be conducted face-to-face or by telephone” (Babbie 2004, p. 263). As part of the interview process, human resources managers will be asked to prioritize the intangible qualities listed in Tables 5.1, 5.2, and 5.3 by order of importance. Prioritization will be by order of importance within a domain.

The population group and sample size for this research is six human resources managers of central Texas counties. The central Texas counties who participated in this research are, Bell, Comal, Guadalupe, Hays, Travis, and Williamson. The units of analysis are the employment laws and the intangibles qualities that combine to create an effective human resources manager.

Professional Intangibles. Professional intangible qualities promote the development and performance of staff and employees. Intangibles consist of interpersonal relations, skills in motivation techniques, and ability to identify other’s developmental strengths and weaknesses.

Table 5.1 Prioritization of Intangible Qualities By Practitioners

<ul style="list-style-type: none"> • <u>Coach/Mentor</u>: Providing direction, support, and feedback to enable others to meet their full potential requires knowledge of feedback techniques; and the ability to assess performance and identify other’s developmental needs. 	
<ul style="list-style-type: none"> • <u>Empowerment</u>: Creating a work environment that encourages responsibility and decision-making at all levels, and skill in sharing authority and removing barriers to creativity. 	
<ul style="list-style-type: none"> • <u>Delegate</u>: Assigning responsibility to others; skill in defining expectations, providing direction and support, and evaluating results. 	
<ul style="list-style-type: none"> • <u>Operational Planning / Project Management</u>: Anticipating future needs, organizing work operations, and establishing timetables for work units or projects; prioritizing; ability to use and understand systems thinking; demonstrated customer service orientation; diagnostician of organizational problems. 	
<ul style="list-style-type: none"> • <u>Communication</u>: Communicate and facilitate the flow of ideas, information, and understanding between and among individuals; knowledge of interpersonal and group communication principles; skill in listening, speaking, and writing; ability to persuade without diminishing the views of others. 	
<ul style="list-style-type: none"> • <u>Integrity</u>: Managerial ethics, demonstrating fairness, honesty, and ethical and legal awareness in professional relationships and activities; requires the ability to understand issues of ethics and integrity in specific situations. 	

Leadership Intangibles. Leadership intangible qualities set the example and encourage experimentation, change, creative problem solving, and prompt action.

Table 5.2 Prioritization of Intangible Qualities By Practitioners

<ul style="list-style-type: none"> • <u>Initiative and risk-taking</u>: Demonstrating a personal orientation toward action and accepting responsibility for the results; resisting the status quo and removing stumbling blocks that delay progress toward goals and objectives. 	
<ul style="list-style-type: none"> • <u>Vision</u>: Conceptualizing an ideal future state and communicating it to employees at all levels. 	
<ul style="list-style-type: none"> • <u>Creativity and Innovation</u>: Developing new ideas or practices; applying existing ideas and practices to new situations. Ability to think strategically and creatively; encourage initiative, innovation, and resourcefulness. 	
<ul style="list-style-type: none"> • <u>Team Leadership</u>: Facilitates teamwork and behavior; ability to direct and coordinate group efforts; ability to impact employee morale and productivity, motivation including employee performance, performance standards, and performance feedback; discipline and grievance handling. 	

Personal Intangibles

Table 5.3 Prioritization of Intangible Qualities By Practitioners

<ul style="list-style-type: none"> • <u>Equity</u>: Equity confirms the abiding significance of public sector human resource management’s commitment to the just and fair treatment of all employees, regardless of gender, race, and other individual characteristics; understand, value, and promote diversity. 	
<ul style="list-style-type: none"> • <u>Efficiency</u>: Efficiency is defined as trying to minimize waste and maximize productivity, an indication of how deeply the reinventing government philosophy and its business mentality have penetrated human resource management in government. 	
<ul style="list-style-type: none"> • <u>Personal Integrity</u>: Demonstrate fairness, honesty, and ethical and legal awareness in personal relationships and activities; remain accountable for personal actions; conduct personal relationships and activities fairly and honestly; and to practice and promote integrity, ethical behavior, and build trusting relationships. 	

Table 5.4, Index Sheet – Ranking of Intangible Qualities By Practitioners will be utilized to record the results of the ranking of intangible qualities by human resources managers. The results will be coded using the process of transforming raw data into a standardized form (Babbie 2004). HR1 through HR6 indicates the interview sample size of human resources managers.

Table 5.4 Index Sheet - Ranking of Intangible Qualities By Practitioners

	HRM1	HRM2	HRM3	HRM4	HRM5	HRM6	Total
Professional							
• Coach/Mentor							
• Empowerment							
• Delegate							
• Operational Planning/ Project Management							
• Communication							
• Integrity							
Leadership							
• Initiative/Risk-Taking							
• Vision							
• Creativity/Innovation							
• Team Leadership							
Personal							
• Equity							
• Efficiency							
• Personal Integrity							

Research Results

Introduction

The purpose of this chapter is to present the findings of the research. The survey instrument was created using scholarly literature to examine the intangible qualities of professionalism, leadership, and personal¹⁵. From the survey instrument, a working hypothesis was also created to address the insights, opinions, and experiences of intangibles as a function of human resources management. The research uses three working hypotheses and a number of sub-hypotheses to explore the impact of the findings. Human resources managers in central Texas were interviewed as to their opinions, insights, and experiences, and were asked to rank the importance of intangible qualities in the professional, leadership, and personal domains. The interpretation of the evidence collected from the survey instrument will be discussed in this chapter. General demographic information was also obtained from the human resources managers during the interview in order to obtain an overview of the education level, the number of years in the human resources profession, and the number of personnel supported by their function¹⁶.

Three categories of intangible qualities were created through an examination of the literature, they are: professional, leadership, and personal. The three intangible categories provided direction and a means by which to proceed with the interviews. Insights were in abundance, as were opinions related to the interaction and need of understanding about intangible qualities.

¹⁵ To view the survey instrument view Appendix C

¹⁶ For the entire demographic information sheet view Appendix B

Professional Intangible Quality

Professional intangibles qualities promote the development and performance of staff and employees. Professional intangible qualities consist of interpersonal relations; skills in motivation techniques; and ability to identify other s developmental strengths and weaknesses.

A human resources manager categorized the professional intangibles as internal and external groups because of the political environment. He stresses that because of the political environment in county government, employees should be simultaneously viewed as an internal asset because of their employment status and as an external asset because of their constituency status. For instance, in the private sector where the bottom line is profit, the act of delegating can be viewed more of a demand to accomplish tasks. Conversely, in the public sector where the political environment is ever-present, the act of persuasion is a more effective means of delegating tasks to be accomplished. In his opinion and given the political environment, it is more effective to treat the employee as a constituent, rather than somebody else's, because that somebody else is your boss (Commissioners' Court). In the end, do not delegate as an authoritarian, but rather, delegate with a persuasive style of leadership.

The belief of one human resources manager is that a "training" element could easily be added to the coach/mentor intangible qualities. He believes that if training is ineffective, it will be impossible to expect an employee to understand the spirit and intent of a coaching/mentoring program. Thus hinder the end result of a human resources manager's coaching and mentoring program and that is to ultimately empower or delegate duties to employees. If an employee's skills and foundation of knowledge are not properly enhanced through a quality coaching and mentoring program, ultimately human resources managers will not be able to empowered or delegate.

Similarly, another human resources manager has a Doctoral Degree in education, his method of empowerment is to conduct training sessions throughout the year in areas that incorporate intangible qualities, such as communication, supervision 101, motivating employees, planning and organization skills, and handling the ineffective employee. As with several of the human resources managers, he believes effective training empowers management and supervisory personnel with knowledge and skills and helps facilitate conflict resolution and prevent discrimination in the workplace. Thereby avoiding costly unemployment claims and equal employment opportunity commission investigation/litigation.

One human resources manager believes that integrity equates to credibility. Furthermore, he states that a human resources who possesses and demonstrates integrity, that credibility will most likely follow. While most human resources managers believe that communication is a vital intangible quality. More importantly, they stress the need for communication to be both vertically and horizontally. That is, human resources managers must interact with employees, elected officials, the public, as well as the media.

Leadership Intangible Qualities

Leadership intangible qualities encourage experimentation, change, creative problem solving, and prompt action to issues and situations. Leadership intangible qualities are an integral part of a leader's ability to set the example to subordinates and peers alike.

One central Texas County utilized intangibles as an evaluation tool by incorporating intangible qualities into their annual department head evaluation process. He emphasizes that his central Texas County places value on intangible qualities, such as leadership, communication, judgment, and decision-making. In addition, he strongly believes that leadership intangibles are

the most important at the department head level because of the political environment. In both the private and public sector to be successful a human resources manager, one must take calculated risk and lead from the front. He believes that human resources managers must be fluid, creative, and innovative to be able to lead the human resources staff.

One human resources manager supports the most important of all intangible qualities to be vision. He believes a manager must know what he is doing and where he is going. The communication intangible quality is a second because a leader must be able to communicate his vision.

Personal Intangible Qualities

A human resources manager believes that although it is easy to put personal intangible first, one must keep in mind that all the intangible qualities mentioned in this research are interrelated. His instinct is that “everything comes down to character and integrity.” Integrity is absolute; if a human resources manager does not possess the integrity intangible quality nothing else matters. The integrity intangible quality follows along the same path of importance as fairness, communicating, and being accountable and responsible.

A human resources manager believes one of the biggest challenges facing elected officials and management staff is the interview process. Not only is the interview process a means by which to illicit an applicants knowledge and skills, but the process is also an opportunity to seek out those intangibles qualities required to function as a leader. Human resources and elected officials have a tendency to gravitate towards the quantifiable credentials of an applicant because they are an easy way to measure an applicant. If the focus of the interview process is solely focused on the applicant’s credentials, the applicant could very well be totally incompetent if the

process only relies on knowledge because of the failure to elicit intangible qualities. A challenge of human resources is to remain an integral part of the interview process. To lend expertise to this process first requires human resources managers to be well schooled in the importance of intangible qualities and the impact they have on the county as a whole.

A human resources manager suggested professional reading materials, such as Alfred North Whitehead, author of a book titled "*Science in the Modern World*," and Lewis Menand author of the "*The Metaphysical Club*." Whitehead was 20th century philosopher who coined the phrase, "rational intuitive mind." As Whitehead, the human resources believes that the world is not entirely ideal, that all things are not logical and number sequence perfect, but rather that life is fluid, that one has to be willing to take risk, be able to budget and plan, rational, analytical, and reactive in a positive way, in a way that is creative, innovative, and imaginative. The human resources manager believes that a rational intuitive mind is synthetically constructed and that the ideal public administrator is synthesis of those intangible quality elements. He further insights that as professionals and leaders in their field, human resources managers should not be so idealistic with their heads in the clouds that they are not able to incorporate logic and positive reactive, innovative, creative solutions.

Another human resources manager recommend a book written by Laura Beth Smith, titled "*Jesus, CEO*." The book is based on the premise of servant leadership, a belief that as a leader, you are a servant to your followers, and as a leader, you are going to do everything in your power to make their work environment a better place to work. For example, as a servant leader, you are compelled to seriously consider all employee suggestions to improve the work process, provide all the tools for an employee to accomplish their tasks, as well as to support the employees. In the end, the accomplished tasks directly reflect positively on you as a leader.

Continuing education in the area of intangibles is attained through teaching at a formal institution or at the county. This research discovered that one human resources manager who teaches at a university also trains county employees on such topics as communication, supervision 101, motivating employees, planning and organization skills, and handling the ineffective employee. Training of this type not only serves to enhance professional development, but also avoids discrimination claims in the workplace and litigation in the courts by the Equal Employment Opportunity Commission. One human resources manager maintains proficiency with intangible qualities by teaching human resources subjects for the Society For Human Resources Management. Yet another human resources manager has had to rely on the necessity to train elected officials and department heads during the annual evaluation process. Not only is there a lack of formal professional training of intangible qualities, not surprising, scholarly literature related to intangibles was extremely limited as well; much of the literature only put forth practical ideal types utilized by professional organizations.

Table 6.1 was utilized to summarize the ranking of intangible qualities by category: professional, leadership, and personal. The total score indicates that when ranked as individual domains, human resources manager's selected personal integrity as the most important intangible quality. Team leadership was a close second and communication was third.

Table 6.1 Index Sheet - Ranking of Intangible Qualities By Practitioners

	1	2	3	4	5	6	Total
Professional							
• Coach/Mentor	6	5	2	5	3	6	27
• Empowerment	5	2	4	3	4	4	22
• Delegate	3	6	6	6	6	5	32
• Operational Planning/ Project Management	2	4	5	2	5	2	20
• Communication	4	1	1	1	1	3	11
• Integrity	1	3	3	4	2	1	14
Leadership							
• Initiative/Risk-Taking	4	4	4	3	4	3	22
• Vision	2	3	1	4	2	1	13
• Creativity/Innovation	3	1	3	2	3	2	14
• Team Leadership	1	2	2	1	1	4	11
Personal							
• Equity	3	2	1	2	2	2	12
• Efficiency	2	3	3	3	3	3	17
• Personal Integrity	1	1	2	1	1	1	7

Demographic Information

The demographic information pertaining to the human resources managers that were interviewed serves to compare and contrast several areas of interest, such as their years of experience in human resources management, level of education, the number of employees they are required to service and support, and the county population. Table 6.3 is provided to depict the information in a more discernable format:

Table 6.2 Human Resource Managers' Demographic Information

	Education	Experience	Number of Employees	County Population
HRM1	MHR	34	570	91,806
HRM2	BA	5	500	99,620
HRM3	PhD	22	900	250,324
HRM4	MA	20	1620	317,938
HRM5	BA	27	700	119,359
HRM6	MA	20	4000	869,868

Conclusion

This chapter reported and expounded upon the results of the research study. The research indicates a consensus by human resources managers that there exists a requirement for, and training of, intangible qualities. Professional knowledge as a stand-alone attribute is not sufficient to manage, much less lead a human resources department in the political sensitive environment of county government. The results of the survey seem to indicate that human resources managers lack formal training in the area of intangible qualities. The lack of formal training could be attributed to the fact that scholarly literature related to intangibles qualities was extremely limited; much of the literature only put forth practical ideal types utilized by professional organizations as a basis for discussions of training.

Chapter Seven

Conclusion

Summary

The purpose of this chapter is to summarize and explain the results of the research. The purpose of this research was twofold. First, this paper examined the nature and function of human resources management through an examination of the literature. Both the laws that frame human resources management and the intangible management assets needed to succeed were examined. Second, this paper explored the perceptions about the nature and function of intangible qualities needed for human resources management in Texas counties. The small sample for this study limits the generalizability of the findings; hence, this study should be viewed as exploratory and suggestive.

Nature and Function of Human Resources

Human resources managers are called upon not only to be efficient, but also to promote social agendas such as equal employment opportunities. In addition, they are asked to defend efficiency; and to adhere to the values of professionalism, while at the same time encouraging greater levels of responsiveness to leadership. As always, human resources managers are expected to hold particularly strong traditional values of equity, professionalism, and leadership.

The nature and function of human resources management is greatly affected by the political environment of county government because of the number of elected officials.

Technical Knowledge of Human Resource Management

Authors defend practitioner-oriented research and have helped clarify the types of knowledge that practicing human resources managers require. As well as, define approaches to public administration research that contributes to a dynamic, enduring knowledge base that is relevant to practitioners. They give us a way to compare public administration research to an authoritative source - the collected wisdom of experienced human resources managers (Streib 2001). Human resources managers are asked to respond to a wide array of pressures and demands, one being the unrelenting “reform” of the public personnel function. On-going reform could very well be a reflection of the fact that so much is expected of our human resources professionals (Hays 2001).

Intangible Skills and Abilities

Central Texas County human resources managers were of the mind that all intangibles are interactive, that is, they support each other. For example, a human resources manager is not able to empower an employee without first delegating a task. Likewise, without first coaching and mentoring the employee on how to accomplish a task failure is eminent. Leadership, perhaps the most rare and valuable of human quality, is essential for every organization. Leaders provide innovative thought – the engine of creativity, initiative, and risk-taking. Effective leadership optimizes the performance of other core competencies, such as empowerment and delegation of tasks. The political environment greatly influenced the need for human resources managers to be well versed and attuned to the impact and role of intangible qualities. The inordinate amount of elected officials greatly affects the decision-making process. The high number of elected officials was intended to be a checks-and-balance for county government.

Conversely, the system has managed to encumber the administrative due process of human resources management. Professional knowledge is not a stand-alone quality. Technical knowledge must be supported with intangible professional, leadership, and personal qualities for a human resources manager to be successful. Central Texas County human resources managers have made due with their lack of formal training in the area of intangibles through teaching.

Upon examining human resources management, its nature and function, technical knowledge, and the intangible qualities necessary for a central Texas county human resources manager to be successful, the realization that the domains are reliant upon each other to sustain the most important element – the human resource.

Recommendations For Further Research

Further research at different levels of government is warranted given the varying number of elected officials. It would be beneficial to expand the scope and respondent pool to city government. It would be interesting to explore the philosophies of central Texas City human resources managers given the relatively few elected officials. Some particularly interesting ideas worth exploring are the extent to which politics directly affects human resources management, or is the impact of intangible qualities dependent on the level of experience in human resources management. This research was limited for two reasons: 1) The lack of scholarly literature made it difficult to hone in on the essence of intangible qualities in human resources, and 2) The lack of human resources managers in central Texas. As evidenced in Appendix B, central Texas human resources managers are relatively few in number; this was not evident at the outset of this research, thus making observations extremely limited.

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Appendix A

The following questions are asked of the human resources manager during the interview:

Education:

Number of Years in HR:

County Population:

Number of employees HR Supports:

Rank each intangible quality category:

Which intangible is the most important? Why?

Which intangible do you rely on most often?

Is there an intangible you wish to add to the list?

When was the last time you received formal training on intangibles:

Appendix B

The following central Texas counties either do not have a human resources manager position, or the position is occupied by an elected official.

Atascosa County

Bandera County

Blanco County

Burnett County

Caldwell County

De Witt County

Fayette County

Gillespie County

Goliad County

Gonzales County

Karnes County

Kendall County

Kerr County

Lampasas County

Lavaca County

Lee County

Llano County

Mason County

Medina County

Milam County

Wilson County