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Term Paper

Discretion and Decision-Making in the Professional Civil Service

Abstract

The public sector is a dynamic and influential part of society. Public service professionals and the organizations they work for are tasked with a certain amount of discretion when it comes to making decisions. On the one hand, we allow for such discretion to exist in the design and implementation of public policy because these professionals are experts in their field. On the other hand, the public is putting faith in individuals who are capable of making decisions based on their own intrinsic motivations and ideologies. Decision-making is best when it is free from both personal bias *and* organizational bias. Similar to individuals, organizations are capable of creating institutionalized norms and policies that are regarded as absolute. Public service professionals will serve the public good best when they are free from absolutes and able to exercise dynamic and flexible decision-making.

A recent model for decision-making is referred to as *adaptive or humble decision-making* (Etzioni, 1989). It provides the professional with the ability to consider both the broad choices and outcomes of a decision while still allowing for experimentation and more personalized interest on the micro level (Etzioni, 1989, p. 46). Adaptive decision-making is an attempt at a comprehensive and inclusive outlook on a situation. There is unfortunately no perfect model for decision-making. Because we have allowed for such discretion in how public policies are designed and implemented, we must encourage those in the public sector to recognize their own biases and motivations as much as possible. Public service professionals ought to remember their public service motivation and desire to serve the public good first and foremost. The discretion granted to those creating our public policies is a crucial part of the reciprocal relationship that exists between the people and the public sector. Discretion is a right that must be upheld through responsible and comprehensive decision-making.

Introduction

Discretion is a vital part of the decision-making process. In the United States, the public grants its professional civil service men and women a significant degree of discretion. These men and women are tasked with serving the public interest to the best of their ability. They do however come from a variety of backgrounds and are individuals with differing intrinsic motivations. In the public policy process, decision-making is most effective when the views of those implementing the policy are in line with those designing the policy (Mosher, 1982, p. 11). The discretion we grant our civil service is an implied trust that we have faith in their decision-making ability.

A reciprocal relationship between the people and the professional civil service is the foundation for a successful public sector (Gouldner, 1960). Public professionals are on the front lines of policy implementation. Their decisions can make or break a political agenda. It is one thing to set an agenda, and yet another entirely to carry it out. That very fact may be the biggest reason why we allow our public administrators some freedom in decision-making when it involves their field of expertise. It can be assumed that they are the most qualified people to be making the decision. The reciprocal relationship that exists implies that the public trusts the civil service to carry out policies in a way that reflects public interest and the public good.

The public sector seeks to have a representative bureaucracy where agencies reflect the entire population as best they can. It is impossible to have full democratic participation during the policy-making process in the sense that all individual opinions of the population are taken into consideration (Dahl, 2000, p. 42). Because of this, the professional civil service is allowed a certain amount of freedom. These men and women are also those best suited for making such

decisions. They have the expertise required to implement policy and the public acknowledges their ability to do so.

Policy implementation is a complex process that involves different levels of organizations within the public sector. But, the individuals tasked with carrying out the process all share a motivation to serve the public good. This group of public professionals is also a diverse set of individuals who play a significant part in shaping public policy. The implementation phase of any public policy is when, “the content of that policy, and its impact on those affected, may be substantially modified, elaborated on or even negated” (Hill & Hupe, 2009, p. 7). Civil service members are influenced by an infinite number of intrinsic motivators and yet we place them on the front lines of policy implementation.

The implied reciprocal relationship brings with it the understanding that the public allows the system to exist as it does. Poor decision-making on the part of the civil service may result in poor reception and backlash from the citizenry. The civil service is also made up of the same individuals who make up the citizenry so many of their interests are the same. There is a sense of connection between the people and the professional civil service. It is in the best interest of all parties involved for the professional civil service to use reasonable and informed discretion in their decision-making.

The Politics-Administration Dichotomy & Discretion

Civil service reform has been a theme throughout history since the early days of American public administration. Woodrow Wilson called for the study of public administration in order to improve the efforts of personnel and organizational practices in public administration (1887). In the introduction to his essay, *The Study of Administration*, he wrote, “It is the object of

administrative study to discover, first, what government can properly and successfully do, and, secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost either of money or of energy” (1887). Analysis of the public sector has been a constant throughout its existence. We are always concerned with reforming it for the better.

Wilson gave the field of public administration the concept of the *politics-administration dichotomy*. To Wilson there were two sides of government: the political side and the administrative side (1887). Administration was best left uncompromised from what he described as the hurry and strife of politics. He sought a *science of administration* that would straighten and improve the path of politics (1887). The two were separate entities, but the actions of one could influence the personality of the other.

Despite Wilson’s notion that the political and the administrative should be two distinct bodies, he was well aware of the reality that the public sector is filled with overlap and connections. Wilson asserted that, “Wherever regard for public opinion is a first principle of government, practical reform must be slow and all reform must be full of compromises” (1887). The concept of public good and what is best for the people was the foundation of Wilson’s writings. Just as it is the foundation of the modern civil service, addressing the public good has always been a goal of civil service reforms. Compromise is a necessary part of public service, whether it come from either the political or administrative end. He went on to claim that, “For wherever public opinion exists it must rule” (1887).

Wilson’s attempt to free the civil service from politics was noble. It was his claim that, “Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices” (1887). In keeping with his belief, public service professionals are more concerned with organizational practices and policies

than with political decisions. It is often the case that the political side develops the public policy and the administrative side is then tasked with implementing those policies. There is freedom for public service professionals in how they go about the implementation process, but they exercise their discretion more so in the methods they choose to execute policy rather than the judgment of policy itself.

The implementation phase of any public policy or reform is filled with a wide range of discretion within decision-making. This action-oriented phase is when we have previously mentioned that the impact of that policy is felt on the people (Hill & Hupe, 2009). The responsibility the political side of the field imparts onto the administrative is great.

Among Wilson's greatest concerns was the concept of liberty. He saw constitutions and general law as guaranteeing the right of liberty to the people, but the actual execution of such law as upholding the existence of liberty (1887). Wilson wrote, "The broad plans of governmental action are not administrative; the detailed execution of such plans is administrative" (1887). The characteristics of a democratic people are determined by such detailed execution. Wilson spoke of the distribution of authority and how to go about delegating responsibilities of the public sector without sacrificing liberty and democratic ideals. Ongoing study of public administration is one way Wilson saw to guarantee and maintain the existence of the public good in relation to democracy. A lifetime later, Frederick C. Mosher was seen to be advocating for almost the exact same idea: the promotion of education and the educational system as it related to political and administrative study (1982). Wilson described such a movement toward what he called universal political study as admirable (1887).

The Study of Administration was a crucial and foundational element for the growth of the public sector. It advocated empowering the civil service to run with their expertise and reform

organizational practices when needed. Neither side, political or administrative, is free from the will of the other. Both are however, bound to the will of the public and the concept of the public good. All parties involved share the same ultimate motivations. It is in that way that the two sides are joined together. Such a devotion to the public good only makes the decisions and discretion granted to anyone in the public sector all the more important.

Intrinsic Motivators

Public service professionals are predisposed to serve the public good by what Gregory Mann refers to as *public service motivation* (2006). The differences between the public and private sector imply that those individuals working within each sector are predisposed with differing intrinsic motivators. These motivators are some of the driving factors that push an individual toward a career in public service. Among the characteristics that makeup the public service motivation are, “a deeper desire to make a difference, an ability to have an impact on public affairs, a sense of responsibility and integrity, and a reliance on intrinsic rewards as opposed to salary or job security” (Mann, 2006, p. 33). This is of course an incomplete list and one should understand that public service professionals are also influenced by factors such as salary, just that in general such a factor is not a primary motivator.

Along with a motive to serve the public good, public service professionals are individuals with their own personal worldviews and biases. It is vital to recognize the existence of biases because public sector employees, especially those in the civil service or in high level decision making positions, play a large role in policy design and implementation.

Fred A. Kramer discusses the presence of *ideologies* within policymaking. Our biases often create what he refers to as *ideological blinders* (1975, p. 510). These blinders prevent the

individual from being aware of his or her particular bias. Cultures that we exist in, timing of decisions, training, and other past experiences all contribute to the creation of biases and ideologies. Problems arise in policymaking when ideologies limit the scope of the public service professional. Biases may stand in the way of a comprehensive approach to public policy, which is why policymaking is more of an art than a simple skill (Kramer, 1975, p. 512). Kramer discusses the process of self-analysis (1975). Self-analysis and self-awareness are characteristics any individual should have if he or she is in a position to make decisions that bring about any kind of externality onto others.

In general, the individual person cannot help but be drawn in the direction of his or her natural intrinsic tendencies. *Heuristics* are decisions made that are deemed “rule of thumb” or those that are based on our intuitions (Baron, 1998, p. 20). They provide us with an easy way to solve difficult decisions and the decisions we make often appear to be rational. Again however, we are not always aware of our biases and even the slightest decision can be cloaked in intrinsic beliefs. Jonathan Baron sees the possibility of bias evident in all kinds of public service decisions. He asserts that, “when we think about decisions affecting large groups of people, we tend to favor the groups we belong to - such as nations or races - at the expense of outsiders” (1998, p. 2). It is this type of tendency, *to favor that which we are*, that may be so natural to us that it goes unnoticed.

Decisions & Absolutes

Public policy should never deal in absolutes. The discretion we allow our public service professionals provides them the opportunity to set their own agenda at the expense of any other. It is the hope of the people and the public sector as a whole that public service professionals

remove their personal interests and bias from the decision making process as best they can.

Biases have a tendency to become absolutes when they are relied upon too often. Public service motivation and a desire to serve the public good ought to promote a more inclusive and balanced decision making process.

An absolute is a belief, process, or any phenomena, which accepts only itself and rejects all alternatives. Dealing in absolutes makes things complicated because they leave no room for compromise (Baron, 1998, p. 16). Compromise is an essential aspect of decision making that cannot be sacrificed at the expense of one person pushing only his or her own agenda. Often times, our heuristics have become our absolutes without us realizing it.

Those involved in personnel management and human resources are tasked with maintaining organizational policies that are dynamic (Brujin, 2007). A more dynamic and flexible agency will provide the individual decision maker with an open environment in which to work. If an organization becomes rigid, policies and organizational norms will become *institutionalized* (Brujin, 2007). A personal connection to the agency is important for the public service professional. Having a certain degree of *buy-in* will make a more effective employee. But, the public administrator must recognize when an institutionalized belief is preventing him or her from making the best possible decision. Personnel management deals with the balancing of organizational and individual needs on a daily basis.

Jonathon Baron further exemplifies the consequences that stem from dealing in absolutes. If a public service professional is tasked with coming to an agreement with a person in another agency, sector, or even government, problems will arise if both parties approach the matter with absolutes. The end result, if neither party can allow for compromise, will be no decision or agreement when one may have been necessary or crucial to achieve (Baron, 1998, p. 13).

Absolutes are not conducive to the decision-making environment and prevent the public sector from maintaining its ability to be dynamic.

Too Little & Too Much Information

It is impossible to take into consideration, or even know, all of the information relevant to a given policy decision (Kramer, 1975). There is too much data and too little time to consider all the possible alternatives and scenarios. Decision makers must be weary of taking too little time to consider the available information as well as taking too much time, especially if the decision is time sensitive. Wading through the information at hand in an effective manner is a difficult task assigned to all public administrators.

Decisions require first defining or understanding what it is you are deciding upon (Bardach, 2009). A proper framework must be established in order to begin the decision-making process. In reference to policy analysis, Eugene Bardach asserts that, “policy analysis goes beyond personal decision making” because “the subject matter concerns the lives and well-being of large numbers of their fellow citizens” (2009, p. xv). He goes on to state that not only do decisions impact the general public, but they also impact the makeup of the public sector as other professionals and interested parties are usually involved. With a proper framework, the decision maker can approach the situation with the right mindset and begin to collect the necessary data and evidence.

One approach to decision making is referred to as *adaptive decision-making* (Etzioni, 1989). Amitai Etzioni claims that a major obstacle to decision making is our inability to process and comprehend all of the possible alternatives or outcomes (1989, p. 49). We are too often faced with a vast array of facts and data and predicting how each scenario will play out becomes

impossible to do. The decision making process brings with it a great deal of pressure because the decision can mean a great deal to society. How a professional reacts to that pressure helps determine how the process will unfold.

Etzioni discusses three common occurrences that come about as a result of pressure during decision-making: defensive avoidance, overreaction, and hypervigilance (1989, p. 49). To overcome these occurrences, decision makers came up with rationalism and incrementalism. Etzioni however sees rationalism as too optimistic in that it assumes human beings are capable of knowing all the information at hand (1989, p. 53). It is difficult to be considered rational if one does not have all the necessary evidence. Rationalism has been beneficial however in that it attempts to remove the emotions and politics from decision-making that Woodrow Wilson was referring to. Similarly, Etzioni claims that incrementalism too is flawed as it is too cautious and may prevent us from actually making decisions. His solution is called adaptive decision-making or mixed scanning (1989).

A middle ground to decision-making must be struck in order to make progress. Etzioni claims the benefits of the adaptive approach are, “flexibility, caution, and the ability to proceed with partial knowledge” (1989, p. 57). It is clear that the public sector is tasked with making decisions on a daily basis. Many of these decisions will have both negative and positive externalities, some of which are unknown at the time. Still however, a decision must be made. The discretion we grant our public service professionals is not intended to deter them from making decisions. Rather, it is intended to grant them a degree of flexibility to discover a solution.

Deregulation & Discretion

Allowing for some degree of discretion can be viewed as a form of deregulation. Deregulation, decentralization, and other similar concepts have been brought up as new approaches to functioning within the public sector. Kearney and Hays discuss the realm of personnel deregulation saying that, “the theory of personnel deregulation asserts that removing excessive, restrictive procedural rules and regulations will enable agencies and their managers to generate more efficient, effective human resource management for government” (2003, p. 78). In that same vein, removing the barriers and restrictions that limit a public service professional from exercising discretion in decision making can generate efficient and effective decisions.

Steering decisions and the actions that makeup the decision-making process toward *desired outcomes* will influence the process for the better. Kearney and Hays state that public service professionals, “freed from the binds of personnel regulation and centralized control, can be trusted to carry out the personnel function in a manner that meets their agencies’ needs and promotes the public interest” (2003, p. 79). They go on to claim that there is a connection between freeing public professionals from regulations and the professionals actually utilizing their discretion (2003, p.79). Within Kearney and Hays’ argument is the idea that better decisions will be made when we are confident in the people making those decisions.

Deregulation does not necessarily mean removing every single procedure and process the public service sector has developed. Rather, it means placing a certain degree of trust in the professionals we have put in a position to execute public policy.

Woodrow Wilson claimed that, “by sweetening [the civil service’s] motives it is rendering it capable of improving its methods of work” (1887, Part II). Deregulation is an attempt to sweeten the motives of public service. It is an effort to empower those involved and

further that desire to serve the public good or that public service motivation that Gregory Mann mentioned. Allowing any degree of discretion is, in a theoretical sense, a form of deregulation. On the practical side, deregulation has been implemented in a variety of ways at all levels of government. A major hesitation to some types of deregulation is that professionals will be left with little direction, some of which they have become accustomed to (Kearney & Hays, 2003, p. 82). The last thing any professional needs is to feel unprepared to make decisions. Deregulation as a form of discretion should serve to empower the professional, not leave him or her alone without the help or guidance of others.

The administrative and political end relies upon one another just as both rely upon the citizenry (Gouldner, 1960). There is an unspoken trust that exists between each side along with which comes a degree of accountability. We hold our public administrators accountable for their decision-making and implementation just as we do our political representatives. Trust and accountability are so vital to the concept of discretion that Kearney and Hays state, “it can be argued that deregulation and trust are inseparable – one cannot exist without the other” (2003, p. 85).

A major concept we expect our public professionals to uphold is the concept of equity (Kearney & Hays, 2003). Discretion is granted with the expectation that decisions will be made in as equitable a manner as possible. Likewise, deregulation does not intend to create organizational inequity. Removing policies and procedures within an agency should not create unwanted power struggles between professionals. The purpose of deregulation is to remove the occurrence of technique over purpose (Kearney & Hays, 2003, p. 87). Policies, procedures, and methodology should not be implemented at the expense of the purpose of an organization. If

deregulation does not properly address the issue of technique over purpose, then it must be reassessed and amended to function, as it should.

Greater discretion, like any reform or initiative, seeks to emphasize the purpose of an organization or administration. Purpose, missions, and goals drive the inner functions of the public sector and concepts such as discretion should only be exercised when they are relevant and accommodating to those goals.

Moral Panics, Decision-Making & Discretion

In order to emphasize the importance of decision-making in the public sector it is necessary to recognize the negatives that can come from poor use of discretion. Policy only becomes relevant to a society when it has developed deep or intense feelings about that particular issue (Goode & Ben-Yehuda, 1994, p. 149). Public policy is often a reaction to the feelings of a given time period. The public wants the civil service and government in general to reflect their makeup and viewpoints just as the government sometimes wants society to follow its lead.

We have discussed the existence of personal bias. Society as a whole can also be biased in the sense that it is capable of creating *social constructions* that are formulated from subjective points of view (Schneider et. al, 1999). Social constructions are widely accepted concepts throughout a society. They can steer public policy to favor certain target groups who will receive either the positive or negative externalities of a policy (Schneider et. al, 1999). Social constructs have existed so long as society has. *Moral panics* result from a particular social condition or construct. These panics are a social problem that may be deemed threatening or damaging because the threat the problem poses is real. It may also be deemed threatening or damaging however despite evidence of a real threat (Goode & Ben-Yehuda, 1994). Even if the proposed

threat is not legitimate, but policy follows suit, it may serve to reinforce the moral panic despite the existence of a real problem.

When taken far enough, intense periods of moral panics will develop long-term and even legal repercussions for a society directly related to that panic (Goode & Ben-Yehuda, 1994, p. 156). Public professionals are tasked with navigating the waters of these intense periods of social issues. Siding with a moral panic, despite real evidence of one, is a short-term fix to gaining the support of a particular interest group. Public service professionals and the legislature however must decide when a moral panic is legitimate and when it is not. If it is not, then it is the duty of the public sector to discredit the inequity and discrimination created by that moral panic.

Etzioni discussed making decisions while proceeding with caution (1989, p. 57). When the hysteria of a moral panic has engulfed a society, it is of the utmost importance for public service professionals to proceed with caution. Although they may not know all of the necessary information, enough information presented on both sides of an intense social issue is a sign that decision makers must approach the issue delicately.

Charles Lindblom described the process of policy making as both ongoing and constant (1959). Public policy is something that must progress along with a society. It must be made and remade in order to fit the needs of the public good (Lindblom, 1959). Decisions made in a period of moral panic can leave a lasting impact on a society despite a lack of support from legislation. Because of this, policymakers and those implementing policy must make certain that a policy is indeed essential to society. If the policy only serves to reinforce the existence of a disputed moral panic, then we run the risk of perpetuating the life of that misrepresented moral panic.

The degree of discretion granted to the public service can mean the difference between upholding a sound policy and upholding a nonsensical one. Their voice is not the same as that of

the people's, but public service professionals can determine the lifespan or effectiveness of a given policy by the way in which they implement it. Discretion does not only exist in clearly defined instances of decision-making. It can also exist in the carrying out of policies. The public sector has the unique ability to validate a public policy by the extent to which they commit to and implement it.

Conclusion

Discretion is a foundational aspect of the public sector. Soon after the passage of the Pendleton Act, Woodrow Wilson described the civil service as an equal to the political side of the public sector (1887). Alvin Gouldner asserts that there is a *mutuality of gratification* between the two sides (1960, p. 168). Both sides are necessary and play a vital role in addressing the concept of the public good. They work both independently and with one another to maintain a progressive society. Their relationship is reciprocal and each must respect the roles and duties of the other (Gouldner, 1960).

Because we exist in such a dynamic society, we allow our public service professionals a certain degree of discretion. Their expertise and implementation of public policy helps shape the makeup of society. The discretion we grant them however is contingent upon the expectation that their actions and policies will benefit the public good. Just as a reciprocal relationship exists in government between the political side and the civil service, the same type of relationship exists between public administrators and the people. Poor decision-making will result in poor reactions from the people. It is the expectation that public administrators will act in accordance with the feelings of society.

How public professionals approach decision-making often determines the effectiveness and consequences of their decisions. Amitai Etzioni emphasizes the need for *adaptive or humble decision-making*. Such a style of decision-making attempts to consider both the broad and overarching concepts surrounding an issue as well as the smaller level details (Etzioni, 1989). Recognizing the fact that we cannot know all of the available information about a given policy issue is an important step in the decision-making process (Kramer, 1975). Acknowledgement of our inability to know everything is itself a humble act. When decisions within the public sector have an impact on the entire citizenry, it is especially important to humble ourselves before we act.

Restricting our decision-making to our personal or institutional biases limits our ability to foster a progressive society. Similarly, the acceptance of a single approach to an issue or the use of absolutes in the decision-making process prevents us from achieving compromise (Baron, 1998). It is impossible to know all the possible outcomes of a decision and knowing this, we must entertain the insight of others in order to theorize the potential benefits and consequences of a decision.

Self awareness as well as awareness of the current state of society are key attributes to decision-making. It is important to be aware of our own intrinsic motivators first and foremost, but we must also look outward toward the feelings of society as a whole. Getting caught up in the intense feelings of the public may result in negative externalities such as moral panics (Goode & Ben-Yehuda, 1994). It is the role of the public professional to distinguish between which of these periods of intense feelings deserve credence politically and which require greater explanation.

Decision-making within the public sector shapes the future direction of a society and will have a long lasting impact. The manner in which policies are implemented can make or break a public policy. The professional civil service must continually assess its current state in order to improve its functions. At times, deregulation may be needed. At other times, clearer guidance may be needed. Personnel and organizational reform on both the state and federal level can influence the actions of the profession civil service. No matter the state of the public sector as a whole however, the people rely on individual public professionals to make reasonable and appropriate decisions with their discretion every single day.

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