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**PERSONNEL
PRACTICES**

**Selected Characteristics of Recent
Ramspeck Act Appointments**

Statement of Timothy P. Bowling
Associate Director
Federal Human Resource Management Issues
General Government Division



PERSONNEL PRACTICES
SELECTED CHARACTERISTICS OF RECENT RAMSPECK ACT APPOINTMENTS

Summary of Statement by
Timothy P. Bowling, Associate Director
Federal Human Resource Management Issues
General Government Division

The Ramspeck Act was enacted to provide an opportunity for congressional employees who had rendered long and faithful service to Members of Congress and were involuntarily separated to apply for noncompetitive appointments to the career service. Under the act, certain conditions must be met. Among other things, a candidate must have worked for Congress for a total of 3 years and must be appointed to a career position within 1 year of separation from congressional employment. The appointing official must ensure that the selected candidate is qualified for the career position. However, the official does not have to consider other qualified candidates. Two bills have recently been introduced to repeal the Ramspeck Act.

During the 16-month period ending April 30, 1995, 18 of the 28 agencies we reviewed reported 124 Ramspeck Act appointments at grades 9 and above. Appointments can be made under the act up to grade 15. About 75 percent of the appointments were to three occupational series: 301, Miscellaneous Administration and Program (54 appointments); 343, Management and Program Analysis (25 appointments); and 1035, Public Affairs (14 appointments). Of the 124 Ramspeck Act appointments, 57 were made to grades 14 and 15. Another 24 were made to grade 13. Also, 117 appointments were made to positions at agency headquarters locations, while 7 were made to field or regional locations.

In addition to the 124 Ramspeck Act appointments, another 146 appointments of former congressional staff members under other authorities were reported by the 28 agencies. Most of these appointments were to Schedule C (political appointee) and temporary positions.

To determine whether longer term trends existed, GAO obtained information on Ramspeck Act appointments from the Office of Personnel Management during the period October 1, 1984, through June 30, 1994. During that time, agencies made 552 Ramspeck Act appointments. Most of the appointments were made in years immediately following national elections. Of the 552 appointments, 28 percent were at grades 14 and 15.

GAO also looked at the differences among the various hiring authorities and how they relate to the skills required for positions. The hiring authority used should not affect the basic skill levels required for positions because appointees must still be qualified for positions, even if hired noncompetitively. However, use of competitive procedures make it more likely that best qualified individuals will be selected for positions.



Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss the use of the Ramspeck Act to noncompetitively appoint congressional employees to career positions in executive branch departments and agencies. You asked us to discuss our ongoing efforts to track Ramspeck Act appointments both before and after the recent congressional election, with a specific emphasis on the following information:

- The number, locations, positions, and other characteristics of Ramspeck Act appointments;
- Long-term trends related to the use of the Ramspeck Act hiring authority; and
- Differences between Ramspeck Act hiring authority, competitive procedures, and other excepted hiring authorities in terms of skills required for positions.

You also expressed interest in the extent to which former congressional staff members have recently attained federal positions through other hiring mechanisms.

As agreed with the Subcommittee and other requesters, we are monitoring Ramspeck Act appointments to grades 9 and above, as well as other appointments, at 28 selected agencies. Our work to date shows that 124 Ramspeck Act appointments have been made during the period January 1, 1994, through April 30, 1995. Another 146 appointments of congressional staff, including Schedule C and temporary appointments, have been made through other procedures.

THE RAMSPECK ACT OF 1940

The Ramspeck Act of 1940, 5 U.S.C. section 3304(c), was enacted to provide an opportunity to those congressional employees who had rendered long and faithful service to Members of Congress and who had acquired valuable experience in government to transfer to positions in the competitive service should their positions on the Hill terminate. Under the act, congressional employees can achieve competitive status for transfer if the following conditions are met:

- The employee must have worked for Congress for 3 years (the service need not be continuous).
- The employee must be separated involuntarily and without prejudice. (The employee's record must be good, and the final separation must be due to circumstances beyond the employee's control. These circumstances include the death, defeat, or resignation of the employer, lack of work, lack of funds, or office reorganization.)

- The employee must meet the basic qualifications for the position.
- The employee must transfer within 1 year of separation from the legislative branch. (There is no minimum time for the length of the last congressional appointment.)

Once these conditions are met, the employee acquires "competitive status for transfer." Although not an entitlement to a career position, this status effectively waives the requirement for competitive examination, including passing a written test if one is required. However, the appointing official who selects a Ramspeck-eligible candidate must ensure that the candidate is qualified for the career position. The official does not have to consider other qualified candidates but must comply with other applicable civil service rules and regulations, including those that prohibit, among other things, discriminating for or against any eligible candidate on the basis of characteristics such as race, gender, or political affiliation.

In addition to congressional employees, the act also applies to any individual who served for at least 4 years as a secretary or law clerk to a justice or judge of the United States. The Office of Personnel Management (OPM) has oversight responsibility for Ramspeck Act appointments. However, it does not routinely conduct preappointment reviews of these noncompetitive appointments.

Two bills that would repeal the Ramspeck Act have recently been introduced in Congress. S. 177, which was introduced by Senator McCain on January 9, 1995, would repeal the Ramspeck Act after 2 years. A similar bill, H.R. 913, was introduced by Representative Goss on February 13, 1995. H.R. 913 would repeal the Ramspeck Act immediately.

The Ramspeck Act is similar to another noncompetitive appointment authority available to employees who serve in the Office of the President or Vice President or on the White House staff. Federal regulations authorize appointments to career positions for these employees, provided they have served at least 2 years and are appointed without a break in service.

CHARACTERISTICS OF RECENT RAMSPECK ACT APPOINTMENTS

Eighteen of the 28 agencies covered by our current work reported making Ramspeck Act appointments at grades 9 and above during the 16-month period ending April 30, 1995. The Cabinet-level departments accounted for the majority, making 104 of the 124 appointments. The Departments of the Interior and the Treasury made 15 appointments each, followed by the Department of Health and Human Services with 11 and the Department of Energy with 10.

Three other departments--Defense, Transportation, and Veterans Affairs--made anywhere from seven to nine appointments each.

About 75 percent of the Ramspeck Act appointments made during this period fall into 3 occupational series--GS-301, the Miscellaneous Administration and Program series; GS-343, the Management and Program Analysis series; and GS-1035, the Public Affairs series. The GS-301 series is a broad category that includes positions that do not readily fall into other series. Fifty-four Ramspeck Act appointments were made to this series. Seventeen of these were to positions having titles such as legislative analyst or congressional affairs officer. Another 12 appointments within this series were to positions with titles such as executive assistant and staff assistant. Twenty-five appointments were made to the GS-343 series and 14 appointments were made to the GS-1035 series. These positions carried titles such as program/management analyst and public affairs specialist, respectively.

Ramspeck Act appointments can be made to grades 15 and below. Fifty-seven of the 124 appointments were made to the grade 14 and 15 levels. Another 24 were to the grade 13 level. One hundred and seventeen of the 124 Ramspeck Act appointments were made to positions at agencies' Washington, D.C. area headquarters locations. Seven were at field or regional locations. Agencies reported that 78 of the congressional employees receiving Ramspeck Act appointments had worked for House and Senate Committees/Subcommittees, while 40 had worked for individual Members and Senators. They served in a variety of positions, including professional staff member, legislative assistant, staff director, and chief of staff. We were unable to determine where six congressional employees worked before receiving a Ramspeck Act appointment.

At the Subcommittee's request, we also reviewed three agencies to determine whether any of their Ramspeck Act appointments were made to positions that had been advertised and were therefore open to competition. Our review of 39 Ramspeck Act appointments made by the Departments of Health and Human Services, Interior, and Treasury identified 15 appointments to positions that had been advertised through vacancy announcements.

For the 15 positions that had been advertised, two Ramspeck applications were submitted before the announcement opened, eight were submitted while the announcement was open, and five were submitted after the announcement closed.

In 10 cases, agencies included the Ramspeck applicants on the certificates of eligible candidates and selected them for the positions. The agencies cited the Ramspeck Act as the basis for the appointments. The remaining five Ramspeck appointees were not on certificates of eligible candidates, apparently because

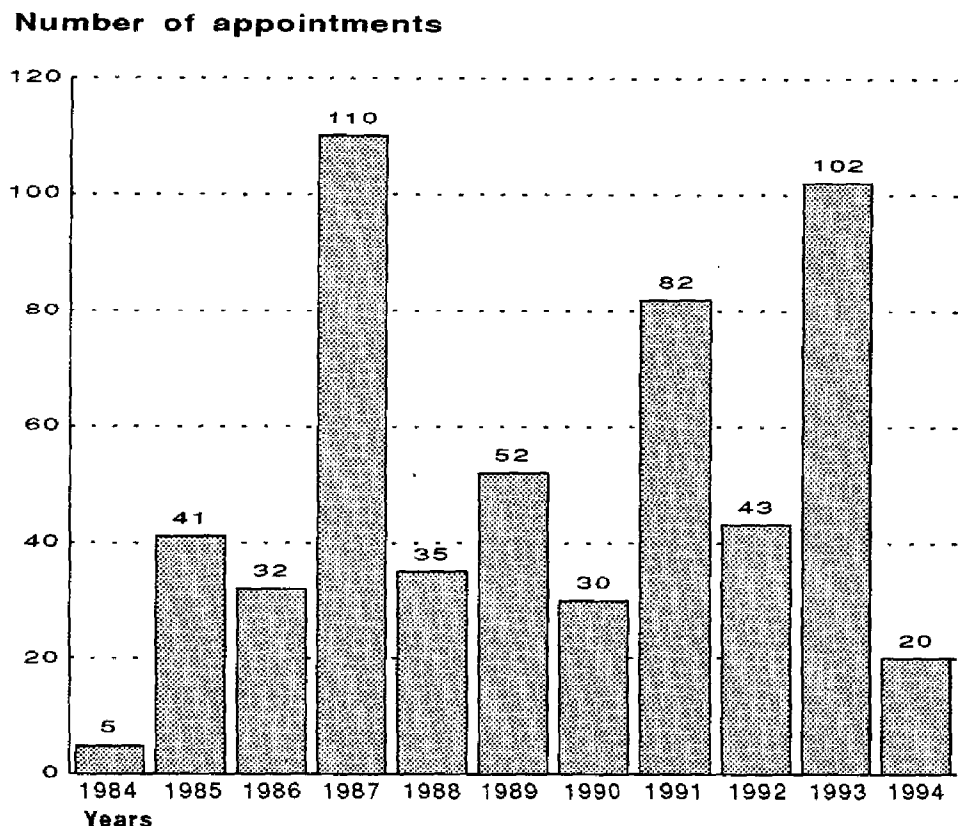
their applications were received anywhere from 31 to 179 days after the vacancy announcements had closed. Irrespective of this, the agencies selected these individuals and cited the Ramspeck Act as the basis for the appointments. The appointments to the positions took place anywhere from 1 to 4 months after the individuals had submitted their applications. The number of applicants who were on certificates, but were not selected, ranged from 1 to 17.

In three cases, we found that the Ramspeck Act appointee was the only one to apply for the position. In two of the three cases, the appointee submitted a Ramspeck application before the agency announced the position. In the third case, the agency announced the position on December 21, 1994, and closed it on January 2, 1995, a time when many potential applicants may have been away from their jobs. The appointee's application was dated December 30, 1994.

HISTORICAL TRENDS IN RAMSPECK ACT APPOINTMENTS

At the request of Representative Schroeder, we have obtained information from OPM on Ramspeck Act appointments made during the period October 1, 1984, through June 30, 1994. This is the most recent period for which OPM data were available. A total of 552 appointments were made during this period. Figure 1 shows the number of appointments by calendar year.

Figure 1: Ramspeck Act Appointments,
October 1, 1984 - June 30, 1994



Source: Office of Personnel Management's Central Personnel Data File.

As you know, a principal purpose of the Ramspeck Act is to help qualified congressional staffers obtain career positions in the civil service if they are separated involuntarily, and without prejudice, from congressional employment. This occurs most often when a Member of Congress retires, chooses not to seek reelection, or loses reelection. As Figure 1 shows, even-numbered years--that is, national election years--are followed by an increase in Ramspeck Act appointment activity. An apparent explanation is that, in these cases, an increased number of congressional staff lost employment due to the election results and subsequently secured employment in the career service. The most noticeable increases occurred in 1987 and 1993.

Our analysis of Ramspeck Act appointments indicates that appointees have been receiving increasingly high grade levels in recent years. As I have mentioned, about 46 percent of the

Ramspeck Act appointments identified during our current work were to grades 14 and 15. We examined our historical data and found that over the 10-year period, 28 percent of the appointments were at grades 14 and 15.

I should point out that any comparison of historical data to our current efforts is not an exact match, since our current work addresses Ramspeck Act appointments at grades 9 and above, covers a 16-month period, and includes only 28 agencies. The historical data is on a calendar year basis, is governmentwide, and includes appointments at all grade levels.

DIFFERENCES BETWEEN RAMSPECK AND OTHER HIRING AUTHORITIES

The Subcommittee expressed interest in any differences between Ramspeck, competitive, and excepted service hiring authorities in terms of the skills required for the positions filled. In describing these differences, we believe it would be helpful to include information regarding similar noncompetitive appointment opportunities for employees who serve on the White House staff under the authority contained in Section 315.602 of Title 5, Code of Federal Regulations.

Theoretically, the type of appointment used to fill a position should not affect the basic skill level of an appointee. Individuals who receive noncompetitive appointments under the Ramspeck Act or the regulatory authority contained in 5 C.F.R. 315.602 must meet the qualification standards prescribed for the position by OPM to the same extent as those individuals appointed under competitive procedures. Individuals appointed to Schedule B positions in the excepted service must also meet OPM's qualification standards, while agencies are generally responsible for establishing qualification standards for positions they fill by other excepted service authorities.

The use of competitive procedures makes it more likely that the best qualified individual is appointed to a position. Under competitive procedures, applicants compete against other eligible candidates and are ranked based on their qualifications and ratings. Ramspeck and White House service applicants, on the other hand, are not required to compete against other applicants. However, a recent OPM Interagency Advisory Group Memorandum recommended that, to avoid the appearance of political favoritism, agency personnel directors should not accept Ramspeck applications unless applications from candidates eligible for reinstatement, transfer, or other noncompetitive authorities are also accepted.

One difference between these appointing authorities concerns the status of the applicants upon appointment. An individual appointed to a position in the excepted service or under the

Ramspeck Act or White House service authority is not required to serve a 1-year probationary period as do those individuals who are appointed under competitive procedures. Furthermore, individuals appointed to a position in the excepted service or under the authority of the Ramspeck Act are not required to serve for 3 years in order to be converted from career-conditional to career status. However, like those individuals appointed under competitive procedures, former White House employees must satisfy the service requirement for career tenure. Although not required to do so, it is our understanding that agencies have adopted similar procedures and practices to ensure compliance with merit principles.

OTHER APPOINTMENTS RECEIVED
BY FORMER CONGRESSIONAL STAFF

In addition to the 124 Ramspeck Act appointments, the 28 agencies included in our review reported making 146 appointments of former congressional staff members under other appointing authorities. As with the Ramspeck Act appointments, the vast majority of these additional appointments, almost 90 percent, were made by Cabinet-level departments. The Department of Commerce made the most--19 appointments. The Department of Energy made 17 appointments and the Department of Labor made 16 appointments.

About 83 percent of the 146 appointments fell into three groups. Fifty-six were political appointments. These included 40 appointments to Schedule C positions and 16 appointments to noncareer SES positions. Another 17 appointments were made under Schedule A authority, mostly to attorney-related positions. Forty-eight appointments were made to temporary and term limited positions, including expert and consultant positions.

As for the types of jobs appointees received, about 67 percent, or 98 of the 146 appointments, were made to the GS-301 Miscellaneous Administration and Program job series. Another 16 appointments were made to the GS-905 General Attorney series.

Concerning grade levels, we found that 53 of the appointments were made to the grade 14 and 15 levels. Twenty-four were to the grade 13 level.

The vast majority, all but 10 of the 146 appointments, were made to headquarters jobs.

At three departments--Health and Human Services, Interior, and Treasury--we reviewed the appointments to determine whether the appointments (other than Schedule C and noncareer SES appointments) were made to positions that had been advertised and open to competition. None of the seven appointments at Interior were competed and the agency was not required to do so. These appointments included Schedule A attorney positions, temporary

30-day special need positions, and a reinstatement to a career position, none of which were required to be competed. At Treasury, we found that 6 of 12 positions were advertised. These included three temporary positions, two career positions, and one Schedule A attorney position. The competition was open for at least 2 weeks in each case, and the number of applicants ranged from 7 to 26. The congressional employees who were selected for these positions applied for the positions within the vacancy announcement period. Of the six appointments not competed, five were Schedule A appointments and one was a temporary 30-day special need appointment that did not need to be competed.

Two positions at Health and Human Services were also advertised and competed. Twelve temporary appointments and one reinstatement to a career position did not need to be competed. In one competed case the competition was open for about 1 month. The congressional employee applied within that time period and was selected from 18 applicants. We have not yet obtained the information on the second appointment.

At your request Mr. Chairman, we will continue to monitor Ramspeck Act and other appointments to the Executive Branch through the end of calendar year 1995.

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This concludes my prepared statement. I would be pleased to answer any questions you or Members of the Subcommittee may have.

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