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**UNITED STATES GENERAL ACCOUNTING OFFICE  
 WASHINGTON, D.C. 20548**

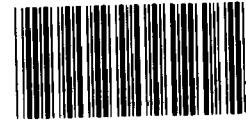
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GENERAL GOVERNMENT  
 DIVISION

B-220214

SEP 30 1985

The Honorable William D. Ford  
 Chairman, Committee on Post Office  
 and Civil Service  
 House of Representatives



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Dear Mr. Chairman:

Subject: Information on the Downgrading of Bureau of Prisons' Wage Supervisor Positions (GAO/GGD-85-87)

By letter dated June 12, 1984, you requested us to evaluate the Federal Bureau of Prisons' (BOP) reclassification of its wage supervisor positions. In an August 1984 meeting with your representatives to discuss the request, we agreed that, because the Office of Personnel Management (OPM) has final authority over classification decisions, our work would necessarily be limited to determining whether proper procedures and regulations were followed in the reclassifications. We also pointed out that some of the BOP decisions to downgrade positions were being appealed to OPM.

Based on that meeting, we agreed that no additional work would be done until after some of the appeals from affected employees had been decided. This report presents the results of that work which was performed in accordance with generally accepted government auditing standards. We reviewed (1) OPM, BOP, and Department of Justice (DOJ) correspondence; (2) OPM's decisions on six appeal cases that it considered to be precedents for all the BOP reclassification actions; (3) pertinent laws and regulations; and (4) classification policy contained in the Federal Personnel Manual. We also interviewed appropriate OPM and DOJ officials.

BACKGROUND

In January 1982, OPM required BOP to conduct a classification review of positions involving the supervision of inmates performing trades and labor work. An OPM evaluation of position classifications at two prisons in July and August 1981

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had indicated that BOP was using an improper classification methodology for these positions. As a result of its review of 1,267 positions, BOP reduced on January 22, 1984, the pay grades of approximately 940 positions it considered to be overgraded.

Title 5 CFR Part 532, Subpart G, provides employees with the right to appeal decisions made by their agencies on the title, series, or grade of their jobs. The appeals process provides for one level of review within the department and a final appeal to OPM. OPM's decision is final.

As of September 9, 1985, DOJ estimates that it received about 400 appeals of the BOP reclassification actions. DOJ sustained about 81 percent of the actions, raised the grades for about 10 percent, and reduced the grades further for about 9 percent. Information from OPM shows that as of that same date it had received appeals on 127 of these decisions. OPM sustained DOJ's decisions in approximately 85 percent of the 89 cases it had completed.

THE APPEALS PROCESS IS BEING  
CONDUCTED IN ACCORDANCE WITH  
ESTABLISHED POLICY AND PROCEDURES

Our review has shown that the appeals process is functioning in accordance with established policy and procedures. Moreover, we found that OPM has gone beyond what its regulations require in order to help ensure that its regional offices are adjudicating the appealed cases on a consistent basis.

Usually, appeals to OPM are filed with and decided by an OPM regional office. However, due to the expected large number of appeals in a relatively short period of time and the fact that key job-grading issues were the same for most of the positions, OPM suspended the regional offices' authority to issue decisions on these cases until it could provide them with additional guidance. OPM then selected six appeal cases that it considered to be representative of all appeals that were on file, desk audited the positions involved, and issued case decisions for use as precedents in deciding the remaining appeals. Before rendering its decisions, OPM also obtained advisory decisions from the regional offices having original jurisdiction for the cases selected. On March 18 and 19, 1985, OPM issued decisions on the six cases, sustaining DOJ's decisions on three, downgrading one, and upgrading two.

In issuing the six precedent appeal decisions, OPM was required to follow the provisions in Title 5 CFR Part 532 and Chapter 512-1 of the Federal Personnel Manual. These provisions include such requirements as (1) providing a written decision

comparing the employee's position with the appropriate standard and (2) considering all pertinent job facts. Our analysis of the six decisions showed that OPM complied with these provisions and had consistently applied the standards by which the jobs were to be graded.

As requested by your office, we did not obtain agency comments on this report. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



William J. Anderson  
Director