

GAO

Report to the Subcommittee on
Oversight and Investigations,
Committee on Armed Services,
House of Representatives

June 2009

HUMAN CAPITAL

Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians



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Highlights of [GAO-09-562](#), a report to the Subcommittee on Oversight and Investigations, Committee on Armed Services, House of Representatives

Why GAO Did This Study

The Department of Defense (DOD) and other executive agencies increasingly deploy civilians in support of contingency operations in Iraq and Afghanistan. Prior GAO reports show that the use of deployed civilians has raised questions about the potential for differences in policies on compensation and medical benefits. GAO was asked to compare agency policies and to identify any issues in policy or implementation regarding (1) compensation, (2) medical benefits, and (3) identification and tracking of deployed civilians. GAO reviewed laws and agency policies; interviewed officials responsible for governmentwide guidance at the Office of Personnel Management (OPM) and for policy at six selected agencies, including DOD and State; reviewed all workers' compensation claims filed by deployed civilians from January 1, 2006 through April 30, 2008 at the Department of Labor; and conducted a generalizable survey of civilians deployed from the six agencies during this same period.

What GAO Recommends

GAO makes ten recommendations to the agencies included in this review to take actions such as clarifying guidance regarding non-DOD civilian's eligibility for treatment at DOD facilities and creating mechanisms to assist and track deployed civilians. Seven of the agencies generally agreed with these recommendations; one agency did not—for example it stated that it already had mechanisms to assist and track deployed civilians.

View [GAO-09-562](#) or [key components](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

HUMAN CAPITAL

Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians

What GAO Found

Although policies concerning compensation for deployed civilians are generally comparable across agencies, GAO found some issues that affect the amount of compensation—depending on such things as the agency's pay system or the employee's grade/band—and the accuracy, timeliness, and completeness of this compensation. For example, two civilian supervisors with comparable salaries who deploy under different pay systems receive different overtime pay because the overtime rate is determined by the employee's pay system and grade/band level. While a congressional subcommittee asked OPM to develop a benefits package for all deployed civilians to war zones and to recommend enabling legislation, OPM has not yet developed such a package or provided legislation. Also, implementation of some policies may not always be accurate or timely. For example, GAO estimates that approximately 40 percent of the deployed civilians in its survey reported experiencing problems with compensation—including not receiving danger pay—in part because they did not know where to go for assistance. Moreover, in January 2008, Congress gave agency heads discretion to apply the death gratuity provision retroactively for deaths connected with operations in Iraq or Afghanistan on or after October 7, 2001. At the time of GAO's review, agencies had not yet issued formal policy to implement this benefit.

Although agency policies on medical benefits are similar, GAO found some issues with medical care following deployment, workers' compensation, and post deployment medical screenings that affect the benefits of deployed civilians. Specifically, while DOD allows its treatment facilities to care for "non-DOD" civilians following deployment in some cases, the circumstances are not clearly identified in guidance and some agencies were unaware of DOD's policy. Civilians who deploy also may be eligible for medical benefits through worker's compensation. GAO's analysis of 188 such claims filed with Labor revealed some significant processing delays resulting in part from lack of clarity about the documentation required to support claims. Without clear information on what documents to submit to support a claim, applicants may continue to experience delays. Further, while DOD requires medical screening before and following deployment for civilians, State requires medical screenings only before deployment. Prior GAO work found that documenting the medical condition of deployed personnel before and following deployment was critical to identifying conditions that may have resulted from deployment.

Each agency provided GAO with a list of deployed civilians, but none had fully implemented policies to identify and track these civilians. DOD, for example, had procedures to identify and track deployed civilians but concluded that its guidance was not consistently implemented. While the other agencies had some ability to identify and track civilians, some had to manually search their systems. Thus, agencies may lack critical information on the location and movement of personnel, which may hamper their ability to intervene promptly to address emerging health issues, as GAO has previously reported.

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United States Government Accountability Office
Washington, DC 20548

June 26, 2009

The Honorable Vic Snyder
Chairman
The Honorable Rob Wittman
Ranking Member
Subcommittee on Oversight and Investigations
Committee on Armed Services
House of Representatives

As the Department of Defense (DOD) has expanded its involvement in overseas military operations, it has grown increasingly reliant on its federal civilian workforce to provide support. The civilian workforce performs, among other things, combat support functions that traditionally have been performed by the uniformed military, such as logistics support and maintenance. DOD acknowledged its growing reliance on civilian personnel in its 2006 Quadrennial Defense Review; also, since fiscal year 2004, the department has converted thousands of military positions to civilian positions, and it is planning to convert more. In addition, in April 2009, the Secretary of Defense announced plans to convert 33,600 contractor positions to federal civilian positions. The Department of State (State) and other federal agencies also play an important role in the stabilization and reconstruction of at-risk countries and regions, consistent with the “whole of government”¹ approach.

The size of the stabilization and reconstruction efforts in Iraq and Afghanistan, in terms of both cost and number of personnel deployed, far exceeds the size of any similar undertaking since the Vietnam conflict. According to DOD and State estimates, the federal government has deployed over 10,000 civilians in support of these efforts since 2001. These civilians are from various executive agencies, including the six covered in our review: DOD, the Departments of State, Homeland Security,

¹ According to the Project on National Security Reform, Case Studies Volume I, (Washington, D.C.), “whole of government” refers to an approach that fosters governmentwide collaboration on purpose, actions, and results in coherent combined application of available resources to achieve the desired objective or end state. This approach addresses the military and civilian coordination discussed in National Security Presidential Directive/NSPD-44, *Management of Interagency Efforts Concerning Reconstruction and Stabilization* (Dec. 7, 2005).

Agriculture, and Justice, and the U.S. Agency for International Development (USAID).² While in theater, deployed civilians—regardless of which executive agency employs them—fall under the purview of either DOD or State, while remaining subject to the administrative processes of their employing agencies for compensation.³ This civilian workforce consists of employees who are compensated under several different pay systems in use at the time of our review, including the General Schedule (GS), Foreign Service (FS), and the recently implemented National Security Personnel System (NSPS)⁴ for DOD civilian employees. Each pay system is governed by unique authorizing statutes, which are implemented in accordance with agency regulations and policies—including some established by the Office of Personnel Management (OPM)⁵—governing monetary and nonmonetary compensation.⁶

As we previously reported, DOD’s use of civilian personnel to support military operations has long raised questions about its policies on compensation and medical benefits for such civilians.⁷ For example, in

² We selected the Department of Defense because it deploys the greatest number of civilians to Iraq and Afghanistan. We also included the Departments of State, Homeland Security, Agriculture, and Justice, and the U.S. Agency for International Development because these agencies deployed most of the civilians assigned to the embassies and provincial reconstruction teams in Iraq and Afghanistan.

³ Under 22 U.S.C. § 3927, the Chief of Mission “shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country (except for Voice of America correspondents on official assignment and employees under the command of a United States area military commander)”.

⁴ DOD began converting civilian employees into NSPS in 2005. As we recently testified, as of February 2009, over 205,000 DOD civilians had been converted into NSPS. GAO, *Human Capital: Improved Implementation of Safeguards and an Action Plan to Address Employee Concerns Could Increase Employee Acceptance of the National Security Personnel System*, [GAO-09-464T](#) (Washington, D.C.: Apr. 1, 2009).

⁵ Specifically, OPM issues regulations and provides policy guidance to executive branch agencies on matters involving personnel management.

⁶ In this report, we use the term “monetary compensation” to refer to payments made to the employee for work performed such as salary, danger pay, post hardship differential, and overtime. Nonmonetary compensation refers to benefits such as leave, retirement contributions, and insurance premiums paid on behalf of the employee.

⁷ GAO, *DOD Civilian Personnel: Medical Policies for Deployed DOD Federal Civilians and Associated Compensation for Those Deployed*, [GAO-07-1235T](#) (Washington, D.C.: Sept. 18, 2007); and *DOD Civilian Personnel: Greater Oversight and Quality Assurance Needed to Ensure Force Health Protection and Surveillance for Those Deployed*, [GAO-06-1085](#) (Washington, D.C.: Sept. 29, 2006).

2006 DOD did not have quality assurance procedures in place to ensure that deployed civilians completed (1) pre-deployment health assessments to make certain they were medically fit to deploy and (2) post-deployment health assessments to document their health status following deployment, environmental exposures, and health concerns related to their work while deployed. Consequently, DOD had no assurance that civilians were medically fit to deploy and could not identify any follow-up medical treatment these civilians required following deployment. In addition, we reported that procedures were not in place during the Gulf War to provide for overtime or danger pay that deployed civilians were entitled to receive.⁸ Now that executive agencies in addition to DOD and State are deploying civilians to Iraq and Afghanistan,⁹ Congress has noted that although these civilians are working under similar conditions and being exposed to the same risks, they may be receiving different levels of compensation and medical benefits. For example, in April 2008, your Subcommittee issued a report on incentives, benefits, and medical care for deployed civilians.¹⁰ In this report, the Subcommittee recommended, among other things, that OPM develop an incentive and benefits package that would apply to all federal civilians deployed to a war zone and submit legislative recommendations, if necessary, to Congress. In June 2008, OPM issued a memorandum urging the executive agencies that deploy civilians to make every effort to eliminate any disparities or inconsistencies in these deployed civilians' compensation by applying any available and appropriate compensation authorities.¹¹

⁸ [GAO-07-1235T](#); [GAO-06-1085](#).

⁹ In addition to DOD, State, and the other agencies involved in this review, we have identified several other executive agencies that have deployed civilians to Iraq or Afghanistan. These include the Departments of Commerce, Health and Human Services, Treasury, Transportation, and Energy.

¹⁰ U.S. House of Representatives, Committee on Armed Services, Subcommittee on Oversight and Investigations, *Deploying Federal Civilians to the Battlefield: Incentives, Benefits, and Medical Care* (April 2008).

¹¹ Memorandum from Linda M. Springer, Director, OPM, to Chief Human Capital Officers, *Consistent Compensation for Federal Civilians in Combat Zones* (June 10, 2008). This memorandum listed various legal authorities, such as § 1603 of Public Law No. 109-234 (granting federal agencies discretion to apply certain Foreign Service benefits to their employees), § 1101 of Public Law No. 110-181 (raising annual maximum limitations on premium pay), and § 1105 of Public Law No. 110-181 (authorizing payment of up to \$100,000 as a "death gratuity" in certain instances).

You requested that we perform a comparative review of executive agencies' policies and practices regarding the compensation and medical benefits they provide to civilian employees who deploy to Iraq or Afghanistan.¹² In response to that request, we examined the extent to which the six agencies we reviewed have (1) comparable policies concerning compensation and any issues—in policy or implementation—that may affect the compensation to which deployed civilians are entitled; (2) comparable policies concerning medical benefits for deployed civilians and any issues—in policy or implementation—that may affect the medical benefits to which deployed civilians are entitled; and (3) policies and procedures to identify and track deployed civilians to address any future medical issues that may emerge as a result of their deployment.

To identify whether the six selected executive branch agencies have comparable policies on compensation and medical benefits for their deployed civilians, we reviewed applicable federal statutes, guidance, memoranda, and other policy documents, and we conducted a comparative analysis of these documents. We also interviewed agency officials, including officials at OPM, to determine their perspectives on the compensation and medical benefits to which civilians were entitled both during and following their deployments. To determine the extent to which these agencies have any implementation issues that may affect the compensation and medical benefits to which deployed civilians are entitled, we reviewed pre-deployment information and instructional documents pertaining to the compensation and medical benefits to which deployed civilians are entitled, as well as agency practices for medically screening civilians both before and following their deployments. We also conducted a Web survey of a probability sample of civilians who were deployed to Iraq or Afghanistan between January 1, 2006, and April 30, 2008, to gather information on their experiences.¹³ Specifically, this survey

¹² We use the term “medical benefits” to refer to any medical or dental treatment associated with travel to Iraq or Afghanistan, including medical screenings before and after deployment, as well as any benefits received under the Federal Employees' Compensation Act, 5 U.S.C. §§ 8101-8193.

¹³ We selected a sample of 297 from an initial population of 2,493 civilians whom the six executive agencies in our review identified as having been deployed during the period from January 1, 2006, to April 30, 2008. Some observations in the sample were deemed to be beyond the scope of our review, in part because the employee did not deploy to Iraq or Afghanistan during the prescribed timeframe; consequently, we are 95 percent confident that the actual population size is between 1,930 and 2,254. The results of the survey can be projected to the population from which the survey sample was selected. (See app. I for a description of the sample population and strata).

gathered, among other things, information from deployed civilians about instructional documents received, medical screening, and receipt of compensation and medical care during and following their deployments. To further explore issues that were identified by survey respondents, we conducted small group discussions with deployed DOD and State civilians serving in Iraq at the time of our review; we also conducted interviews with DOD and State officials, including medical personnel. We also reviewed the universe of workers' compensation claims filed with the Department of Labor (Labor)¹⁴ between January 1, 2006, and April 30, 2008, by civilians deployed to Iraq and Afghanistan, and we interviewed Labor officials concerning the workers' compensation claims process. To determine the extent to which agencies identify and track deployed civilians for medical purposes, we reviewed applicable agency guidance and interviewed knowledgeable agency officials. In addition, we obtained and reviewed lists of deployed civilians from each of the agencies. To assess the reliability of the data in these lists and workers' compensation claims, we (1) reviewed existing information about the systems that generated these lists and claims information and (2) interviewed agency officials knowledgeable about the systems and information. We determined that the information was sufficiently reliable for the purposes of our review.

We conducted this performance audit from February 2008 through June 2009, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. (For more detailed information on our scope and methodology, see app. I.)

Results In Brief

Although policies concerning compensation for deployed civilians are generally comparable across agencies, we found some issues that affect the amount of compensation they receive—depending on such things as the agency's pay system or the civilian's grade/band level—and the accuracy, timeliness, and completeness of this compensation. Specifically, two deployed civilians with comparable salaries who work under different

¹⁴ These claims are filed under the Federal Employees' Compensation Act, 5 U.S.C. §§ 8101-8193.

pay systems could receive different overtime pay because the overtime rate is determined by the employee's pay system and grade/band level. For example, NSPS supervisors, who are paid salaries equivalent to those of GS-12 step 1 supervisors, receive their normal hourly rate for overtime hours, while GS-12 step 1 supervisors receive 1.14 times their normal hourly rate for overtime. As a result of this and other variations in policy—such as how deployment status affects the receipt of locality pay—deployed civilians at equivalent pay grades who work under the same conditions and face the same risks may receive different compensation. The Subcommittee on Oversight and Investigations, House Armed Services Committee recommended that OPM develop a benefits package for all federal civilians deployed to war zones, to ensure that equitable benefits are received by deployed civilians. But OPM has not developed such a package or provided legislative recommendations. OPM officials stated that DOD had initiated an interagency working group to discuss compensation issues and that this group had developed some proposals for legislative changes. However, these proposals have not yet been submitted to Congress and do not, according to DOD officials, represent a comprehensive package for all civilians deployed to war zones, as recommended by the Subcommittee. Furthermore, compensation policies were not always implemented accurately or in a timely manner. For example, we project that approximately 40 percent of the estimated 2,100 civilians deployed from January 1, 2006, to April 30, 2008, experienced problems with compensation—including not receiving danger pay or receiving it late, for instance—in part because they were unaware of their eligibility or did not know where to go for assistance to start and stop these deployment-related pays. In fact, officials at four agencies acknowledged that they have experienced difficulties in effectively administering deployment related pays, in part because there is no single source delineating the various pays associated with deployment. As we previously reported concerning their military counterparts,¹⁵ unless deployed personnel are adequately supported in this area, they may not be receiving all of the compensation to which they are entitled. Additionally, in January 2008, Congress authorized an expanded death gratuity—under the Federal Employees' Compensation Act (FECA)—of up to \$100,000 for

¹⁵ GAO, *Military Pay: Army Reserve Soldiers Mobilized to Active Duty Experienced Significant Pay Problems*, [GAO-04-911](#) (Washington, D.C.: Aug. 20, 2004); *Military Pay: Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems*, [GAO-04-413T](#) (Washington, D.C.: Jan. 28, 2004); and *Military Pay: Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems*, [GAO-04-89](#) (Washington, D.C.: Nov. 13, 2003).

deaths resulting from injuries incurred in connection with service with an armed force in a contingency operation. Congress also gave agency heads discretion to apply this gratuity retroactively for any such deaths occurring on or after October 7, 2001, as a result of injuries incurred in connection with the employees' service with an armed force in Iraq or Afghanistan.¹⁶ At the time of our review, Labor—the agency responsible for the implementing regulations under FECA—had not yet issued its formal policy. Labor officials told us that, because of the recent change in administration, they could not provide us with an anticipated issue date for the final policy. Officials from the six agencies included in our review stated that they were delaying the development of policies and procedures to implement the death gratuity until after Labor issues its policy. As a result, some of these agencies have not moved forward on these provisions. We are recommending that (1) OPM oversee an executive agency working group on compensation for deployed civilians to address any differences and if necessary make legislative recommendations; (2) the agencies included in our review establish ombudsman programs or, for agencies deploying small numbers of civilians, focal points to help ensure that deployed civilians receive the compensation to which they are entitled; and (3) Labor set a time frame for issuing implementing guidance for the death gratuity. We provided a copy of the draft report to the agencies in our review. With the exception of USAID, all of the agencies generally concurred with these recommendations. We address USAID's comments, along with issues raised by the other agencies, in detail later in this report.

Although agency policies on medical benefits are similar, we found some issues with policies related to medical treatment following deployment, and with the implementation of workers' compensation and post-deployment medical screening, that affect the medical benefits of these civilians. Specifically, DOD and State guidance provides for medical care of all civilians during their deployments. On the other hand, while DOD guidance provides for care at military treatment facilities for all DOD civilians—under workers' compensation—following their deployments, the guidance does not clearly define the “compelling circumstances” under which non-DOD civilians would be eligible for such care. Because DOD's

¹⁶ 5 U.S.C. § 8102(a) states that the head of an agency may retroactively apply this provision in the case of an employee who died on or after October 7, 2001, and before the date of enactment of this section as a result of injuries incurred in connection with the employee's service with an armed force in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom.

policy is unclear, confusion exists within DOD and other agencies regarding civilians' eligibility for care at military treatment facilities following deployment. Furthermore, officials at several agencies were unaware that civilians from their agencies were potentially eligible for care at DOD facilities following deployment, in part because these agencies had not received the guidance from DOD about this eligibility. Because some agencies are not aware of their civilians' eligibility for care at military treatment facilities following deployment, these civilians cannot benefit from the efforts DOD has undertaken in areas such as post traumatic stress disorder. Moreover, civilians who deploy are also eligible for medical benefits through workers' compensation if Labor determines that their medical condition resulted from personal injury sustained in the performance of duty during deployment.¹⁷ Our review of all 188 workers' compensation claims¹⁸ related to deployments to Iraq or Afghanistan that were filed between January 1, 2006, and April 30, 2008, found that Labor requested additional information in support of these claims in 125 cases, resulting in increased processing times that in some instances exceeded the department's standard goals for processing claims.¹⁹ Twenty-two percent of the respondents to our survey who had filed workers' compensation claims stated that their agencies provided them with little or no support in completing the paperwork for their claims. Labor officials stated that applicants failed to provide adequate documentation, in part because they were unaware of the type of information they needed to provide. Furthermore, our review of Labor's claims process indicated that Labor's form for a traumatic injury did not specify what supporting documents applicants had to submit to substantiate a claim.²⁰ Specifically, while this form states that the claimant must "provide medical evidence in support of a disability," the type of evidence required is not specifically identified. Without clear information on what documentation to submit in

¹⁷ Under FECA, any disability resulting from a war-risk hazard is generally deemed to have resulted from personal injury sustained while in the performance of duty. 5 U.S.C. § 8102(b).

¹⁸ FECA claims by agency: DOD – 116; State – 32; Justice – 19; DHS – 5; USDA – 2; USAID – 1; other agencies not included in this review and claims where the agency is not identified – 13.

¹⁹ Of these 125 cases, 74 were approved, 42 were denied, and 9 cases were still being processed at the time of our review.

²⁰ Labor defines "traumatic injury" as any wound or other condition of the body caused by external force, including stress or strain, caused by a specific event or incident within a single workday or shift.

support of their claims, applicants may continue to experience delays in the process. In addition, DOD requires deploying civilians to be medically screened both before and following their deployments. However, post-deployment screenings are not always conducted, because DOD lacks standardized procedures for processing returning civilians. Approximately 21 percent of DOD civilians who responded to our survey stated that they did not complete a post-deployment health assessment. In contrast, State generally requires a medical clearance as a precondition to deployment but has no formal requirement for post-deployment screenings of civilians who deploy under its purview. Our prior work has found that documenting the medical condition of deployed civilians both before and following deployment is critical to identifying conditions that may have resulted from deployment, such as traumatic brain injury.²¹ We are recommending that (1) DOD clarify its guidance concerning the circumstances under which civilians are entitled to treatment at military treatment facilities following deployment and formally advise other agencies that deploy civilians of DOD's policy governing treatment at these facilities; (2) Labor revise the application materials for workers' compensation claims to make clear what documentation applicants must submit with their claims; (3) the agencies included in our review establish ombudsman programs or, for agencies deploying small numbers of civilians, focal points to help ensure that deployed civilians get timely responses to their applications and receive the medical benefits to which they are entitled; (4) DOD establish standard procedures to ensure that returning civilians complete required post-deployment medical screenings; and (5) State develop post-deployment medical screening requirements for civilians deployed under its purview. The agencies generally concurred with these recommendations, with the exception of USAID, which stated that it already had an appropriate mechanism to assist its civilians. We address this issue in detail later in our report.

While each of the agencies we reviewed was able to provide a list of deployed civilians, none of these agencies has fully implemented policies and procedures to identify and track its civilians who have deployed to Iraq and Afghanistan. DOD, for example, issued guidance and established procedures for identifying and tracking deployed civilians in 2006, but concluded in 2008 that its guidance and associated procedures were not being consistently implemented across the agency. In 2008 and 2009 DOD reiterated its policy requirements and again called for DOD components to

²¹ [GAO-06-1085](#).

comply.²² The other agencies we reviewed have some ability to identify deployed civilians, but they did not have any specific mechanisms designed to identify or track location-specific information on these civilians. As we have previously reported, the ability of agencies to report location-specific information on employees is necessary for identifying potential exposures or other incidents related to deployment.²³ Lack of such information may hamper these agencies' ability to intervene quickly to address any future health issues that may result from deployments in support of contingency operations. We are therefore recommending that (1) DOD establish mechanisms to ensure that its policies to identify and track deployed civilians are implemented and (2) the other five executive agencies included in our review develop policies and procedures to accurately identify and track standardized information on deployed civilians. The agencies generally concurred with these recommendations, with the exception of USAID, which stated that it already had an appropriate mechanism to track its civilians. We address this issue, along with issues raised by the other agencies, in a later part of this report.

Background

DOD, State, and other executive agencies rely on civilians to perform many critical functions in Iraq and Afghanistan. DOD relies on the federal civilian personnel it deploys to support a range of essential missions, including logistics support, maintenance, intelligence collection, criminal investigations, and weapon systems acquisition. These civilians are either deployed directly to Iraq or Afghanistan or can be supporting the ongoing operations from other countries in the region, such as Bahrain, Kuwait, and Qatar. State relies on these civilians who are deployed to support ongoing stabilization and reconstruction efforts as part of either the embassy staff or provincial reconstruction teams. DOD, State, and the other executive agencies that deploy civilians generally rely on volunteers to satisfy their requirements for civilians in Iraq and Afghanistan. While

²² Memorandum from Patricia Bradshaw, Deputy Under Secretary for Civilian Personnel Policy, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas*, (Jun. 6, 2006); Memorandum from Brad Bunn, Director, Department of Defense Civilian Personnel Management Service, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas*, (Feb. 8, 2008); and DOD Directive 1404.10, *DoD Civilian Expeditionary Workforce* (Jan. 23, 2009).

²³ GAO, *Defense Health Care: Improvements Needed in Occupational and Environmental Health Surveillance during Deployments to Address Immediate and Long-term Health Issues*, [GAO-05-632](#) (Washington, D.C.: Jul. 14, 2005).

both DOD and State currently report having sufficient volunteers to fill all their requirements for federal civilians, State has not always had sufficient personnel to meet its needs. When the United States established provincial reconstruction teams—civilian-military interagency teams engaged in stabilization and reconstruction efforts—DOD provided additional personnel to the provincial reconstruction teams to make up for the initial inability of State to provide sufficient civilian personnel.

The deployed civilian workforce represents a cross section of employees from a number of different agencies and pay systems working in close proximity to one another. Each of these pay systems was authorized by a separate statute that outlines the compensation to which employees under that system are entitled, certain elements of which are set without regard to the location in which the employees are working. In addition, these deployed civilians are entitled to certain medical benefits. When these civilians are deployed and serve side by side, the differences in pay systems may become more apparent and may adversely impact morale. As a result, Congress has enacted a number of laws aimed at leveling compensation for deployed civilians across agencies and pay systems. For example, beginning in 2006, Congress granted agency heads the discretion to provide their deployed civilians certain compensation and benefits comparable to those of the Foreign Service, such as death gratuities and leave benefits. Congress has also enacted laws that allow agency heads to waive premium pay caps for deployed civilians.²⁴ These laws help recognize the hardships under which they serve.

We have reported on compensation and medical issues related to deployments to Iraq and Afghanistan—including issues for servicemembers as well as deployed DOD civilians. These issues have included weaknesses in the payroll procedures associated with the activation of National Guard and Reserve forces that resulted in servicemembers and their families having to take extraordinary steps to correct payroll problems—often while still serving in dangerous environments.²⁵ We have also identified weaknesses in DOD’s ability to track and record possible exposures to environmental and industrial hazards during operations in Iraq. These weaknesses may result in DOD

²⁴ The premium pay cap places a ceiling on the amount of basic pay (salary plus locality pay) plus premium pay (overtime pay, Sunday pay, holiday pay, and night differential) that an employee can earn during a calendar year.

²⁵ [GAO-04-911](#), [GAO-04-413T](#), and [GAO-04-89](#).

not being able to evaluate the long-term health effects of deployment on its servicemembers.²⁶ Finally, we have identified weaknesses in oversight of compliance with force health protection requirements, including medical screenings and location-specific tracking of deployed DOD civilians.²⁷

While Policies on Compensation Are Generally Comparable, Some Policy and Implementation Issues Affect the Amount, Accuracy, and Completeness of Compensation

Although policies concerning compensation for deployed civilians are generally comparable across agencies, we found some policy and implementation issues that affect the amount, accuracy, timeliness, and completeness of compensation of deployed civilians.²⁸ While all the agencies included in our review provide similar types and rates of compensation to their civilians deployed to Iraq or Afghanistan, in some instances deployed civilians working under similar conditions with comparable salaries receive different compensation depending on their agency's pay system, their pay grade/band level within that system, and their deployment status. Additionally, our survey results and group discussions with civilians currently deployed to Iraq indicate that agencies face some difficulties in ensuring that deployed civilians receive the compensation to which they are entitled in an accurate and timely manner. Finally, a key provision authorized by Congress to enhance death gratuities for deployed civilians is not yet formally incorporated in policy.

Agencies' Broad Policies on Compensation for Deployed Civilians Are Generally Comparable

The agencies included in our review provide similar types of deployment-related compensation to civilians deployed to Iraq or Afghanistan. Agency policies regarding compensation for federal employees—including deployed civilians—are subject to regulations and guidance issued by either OPM or other executive agencies, in accordance with underlying statutory personnel authorities. In some cases, the statutes and implementing regulations provide agency heads with flexibility in how they administer their compensation policies, such as certain aspects of compensation provided for deployed civilians. For example, agency heads are currently authorized by statute to provide their civilians deployed to combat zones with certain benefits—such as death gratuities and leave

²⁶ [GAO-05-632](#).

²⁷ [GAO-07-1235T](#) and [GAO-06-1085](#).

²⁸ In this report, we use the term “compensation” to refer to all payments made to or on behalf of the employee (e.g., salaries, danger pay/hazardous duty pay, post hardship differential, overtime pay, holiday pay, paid leave, retirement contributions, insurance, etc.) associated with travel to Iraq or Afghanistan.

benefits—comparable to those provided the Foreign Service, regardless of the underlying pay system of the employee.²⁹ In addition, all six of the agencies we reviewed have, according to agency policies or statements from agency officials, exercised their statutory authority to raise the annual limitation on the amount of premium pay that they provide to eligible deployed civilians and provide post hardship differential and danger pay³⁰ at the same rate—35 percent of the civilian’s basic rate. Further, all six agencies may provide additional compensation to certain deployed civilians for work performed in excess of normal work hours. Finally, each of these agencies provides for deployed civilians to take deployment-related leave. (See app. II for a comparative analysis of key policies on compensation at the six agencies we reviewed.)

Some Variations in Policies May Affect Compensation Received

While compensation policies are generally comparable, there are variations in these policies that may result in employees receiving different amounts of compensation depending on their agency’s pay system, the employee’s pay grade/band level within that system, and the employee’s deployment status. For example, variations in policies for such areas as overtime rate, premium pay eligibility, and deployment status can result in monetary differences of tens of thousands of dollars per year. In its June 2008 memorandum,³¹ OPM acknowledged that current laws and agency policy can result in executive agencies paying different types of compensation to deployed civilians at equivalent pay grades who are working under the same conditions and facing the same risks.

Pay System and Grade/Band

Some variations in the compensation available to deployed civilians result directly from the employing agency’s pay system. Since statutes and

²⁹ For example, members of the Foreign Service are entitled to a death gratuity equal to 1 year’s salary. The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 granted agency heads the authority to pay this same death gratuity to their civilians who deploy.

³⁰ Danger pay allowance provides additional compensation to U.S. government civilian employees for service at places in foreign areas where there exist conditions of civil insurrection, civil war, terrorism, or war, when these conditions threaten physical harm or imminent danger to the health or well-being of an employee. Post hardship differential provides additional compensation to employees for service in foreign areas where environmental conditions differ substantially from environmental conditions in the continental United States and warrant additional compensation as a recruitment and retention incentive.

³¹ Memorandum from Linda M. Springer, Director, OPM, *Consistent Compensation for Federal Civilians in Combat Zones* (June 10, 2008).

policies for some of these pay systems—for example GS and FS—were established prior to the current operations in Iraq and Afghanistan, such variations generally exist regardless of whether the civilian is working in Iraq, Afghanistan, or any other location. About 70 percent of civilians deployed by our selected six agencies from January 1, 2006, through April 30, 2008, were employed under the GS pay system, 11 percent under FS, and 7 percent under NSPS.³² (See app. III for information on demographic data and selected responses from our survey of deployed civilians.)

The unique working conditions employees may encounter in Iraq and Afghanistan can create an environment that increases the visibility of issues associated with pay systems and compensation that employees working under normal circumstances would not encounter. For example, deployed civilians, who are often subject to extended work hours, may expect to work 10-hour days, 5 days a week, resulting in 20 hours of overtime per pay period over the course of a year-long deployment. Depending on the pay system and grade/band, deployed civilians receive different compensation for these overtime hours. As illustrated in table 1, a nonsupervisory employee earning a salary equivalent to a GS-12 step 1 receives a different amount of compensation for overtime hours depending on the pay system. Specifically, the NSPS nonsupervisory employee is compensated at a rate equivalent to 1.5 times the normal hourly rate for overtime hours while the GS nonsupervisory employee is compensated at a rate equivalent to 1.14 times the normal hourly rate for overtime hours.³³

³² The remaining 12 percent of respondents indicated they were part of another pay plan.

³³ At least 114 respondents to our survey were GS employees who received overtime at a rate less than 1.5 times their normal hourly rate. Seven respondents to our survey were NSPS employees who received overtime at a rate 1.5 times their normal hourly rate.

Table 1: Effect of Pay Band and Pay Grade on Nonsupervisory Overtime Pay

	NSPS band II ^a	GS-12 step 1 ^a
Salary	\$59,383.00	\$59,383.00
Hourly rate	\$28.45	\$28.45
Overtime rate	\$42.68	\$32.42
Annual overtime (20 hours per pay period)	\$22,193.60	\$16,858.40
Overtime factor ^b	1.5	1.14

Source: GAO analysis.

^aFor the purpose of this illustration, these employees are exempt from the Fair Labor Standards Act, and overtime rates are authorized by law for GS employees by 5 U.S.C. § 5542 and for NSPS employees by NSPS regulations at 5 CFR § 9901.362.

^bThe NSPS overtime factor is based on DOD's Civilian Personnel Manual, DOD 1400.25-M, subchapter 1930. The overtime factor for GS-12 step 1 is calculated by dividing the overtime hourly rate by the hourly rate found in OPM's hourly rate table for GS salary. Within the GS system, the overtime hourly rate for employees paid at a rate greater than the rate for GS-10 step 1 but less than the rate for GS-12 step 6 is equal to the hourly rate of basic pay for GS-10 step 1 multiplied by 1.5. The overtime hourly rate for employees paid at a rate equivalent to the GS 10 step 1 level or lower is 1.5 times their hourly rate, and for employees paid at the GS-12 step 6 level or higher, the overtime hourly rate is 1.0.

Similar differences exist when supervisory employees are compared. As shown in table 2, an employee with supervisory responsibility and a salary equivalent to a GS-12 step 1 receives a different amount of overtime pay under the NSPS system than under the GS system. Specifically, the NSPS supervisor is compensated for overtime hours at the normal hourly rate, while the GS supervisor is compensated for overtime hours at a rate equivalent to 1.14 times the hourly rate.³⁴

³⁴ At least 30 respondents to our survey were GS employees who received overtime at a rate greater than their normal hourly rate. Five respondents to our survey were NSPS employees who received overtime at their normal hourly rate.

Table 2: Effect of Pay Band and Pay Grade on Supervisory Overtime Pay

	NSPS band II ^a	GS-12 step 1 ^a
Salary	\$59,383.00	\$59,383.00
Hourly rate	\$28.45	\$28.45
Overtime rate	\$28.45	\$32.42
Annual overtime (20 hours per pay period)	\$14,794.00	\$16,858.40
Overtime factor ^b	1.0	1.14

Source: GAO analysis.

^aFor the purpose of this illustration, these employees are exempt from the Fair Labor Standards Act, and overtime rates are authorized by law for GS employees by 5 U.S.C. §5542 and for NSPS employees by NSPS regulations at 5 CFR § 9901.362.

^bThe NSPS overtime factor is based on DOD's Civilian Personnel Manual, DOD 1400.25-M, subchapter 1930. Within the GS system, the overtime factor for GS-12 step 1 is calculated by dividing the overtime hourly rate by the hourly rate found in OPM's hourly rate table for GS salary. Within the GS system, the overtime hourly rate for employees paid at a rate greater than the rate for GS-10 step 1 but less than the rate for GS-12 step 6 is equal to the hourly rate of basic pay for GS-10 step 1 multiplied by 1.5. The overtime hourly rate for employees paid at a rate equivalent to the GS 10 step 1 level or lower is 1.5 times their hourly rate, and for employees paid at the GS-12 step 6 level or higher, the overtime hourly rate is 1.0.

Another variation in the compensation available to deployed civilians is that some employees are precluded from receiving premium pay even under the unique conditions they encounter while serving in these countries. For example, some members of the Foreign Service, attorneys for the Department of Justice, and members of the Senior Foreign Service and the Senior Executive Service are statutorily ineligible to receive premium pay. Officials at Justice drew attention to their attorneys' ineligibility to receive premium pay. However, the Department of State has recognized that Foreign Service officers serving in Iraq or Afghanistan perform substantial amounts of extra work and, while they may be ineligible to receive overtime and other premium pay, State has received and exercised its statutory authority to provide these employees with a special pay differential equal to 20 percent of their salaries.³⁵

Deployment Status

Deployed civilians may receive different compensation based on their deployment status. Agencies have some discretion to determine the travel status of their deployed civilians based on a variety of factors—including length of deployment, employee and agency preference, employee morale, and cost. Generally, deployments scheduled for 180 days or less are

³⁵ 22 U.S.C. § 3972.

classified as “temporary duty” assignments; deployments lasting more than a year generally result in a change of official station and are classified as “change of station” assignments. When civilians are to be deployed long term, agencies have the discretion to place them in either temporary duty or change of station status, subject to certain criteria.³⁶

Approximately 73 percent of the civilians who were deployed between January 1, 2006, and April 30, 2008, by the six agencies we reviewed were deployed in temporary duty status³⁷ and retained their base salaries, including the locality pay associated with their home duty stations. Civilians deployed to Iraq or Afghanistan as a change of station do not receive locality pay, but may be eligible for a separate maintenance allowance that varies in amount based on the number of dependents the civilian has. As shown in table 3, retaining locality pay significantly increases the basic pay that an employee receives when deployed under temporary duty status. In this example, retaining the 2009 Washington, D.C. locality rate of 23.1 percent increases the employee’s basic pay by over \$13,700. This example also illustrates that the retention of locality pay by civilians deployed in temporary duty status would increase the amount of compensation received for danger pay by \$4,800, post hardship differential by \$4,800, and overtime pay by almost \$3,900. While an employee deployed under a change of station may be eligible to receive a separate maintenance allowance—in this example even when the maximum allowance is received—the separate maintenance allowance does not match the effect that retaining locality pay has on total compensation.

³⁶ GAO has stated that “Whether an assignment to a particular station is temporary or permanent is a question of fact to be determined from the orders under which the assignment is made, the character of the assignment, its duration, and the nature of the duties.” In DOD’s Civilian Personnel Joint Travel Regulations Vol. II, DOD states that the following criteria must be met for an assignment to be temporary duty (68 Comp. Gen. 465 (1989)): “(a) The duties to be performed are temporary in nature, (b) the assignment is for a reasonable time duration, and (c) temporary duty costs are lower than round-trip temporary change of station or permanent change of station expenses.” Joint Travel Regulations, vol. 2, ch. 4, para. C4430 (current as of Feb. 1, 2009).

³⁷ The approximately 73 percent includes both DOD civilians deployed for 180 days or less as well as employees deployed for more than 180 days. For civilians deployed more than 180 days, about 42 percent were deployed in temporary duty status and retained locality pay.

Table 3: Effect of Federal Civilian Employees' Deployment Status on Compensation

Type of compensation	Temporary duty status (retains locality pay)	Change of official duty station (does not retain locality pay)	Difference in compensation
Salary ^a (hourly rate)	\$73,100.00 (\$35.03)	\$59,383.00 (\$28.45)	\$13,717
Danger pay (35% of salary)	\$25,585.00	\$20,784.05	\$4,800.95
Post hardship differential (35% of salary)	\$25,585.00	\$20,784.05	\$4,800.95
Separate maintenance allowance ^b	N/A	\$0.00 to \$20,200.00	\$0.00 to -\$20,200.00
Hourly overtime rate	(\$39.90)	(\$32.42)	
Overtime (20 hours per pay period) ^c	\$20,748.00	\$16,858.40	\$3,889.60
Total	\$145,018.00	\$117,809.50 to \$138,009.50	\$27,208.50 to \$7,008.50

Source: GAO analysis.

^aFor this illustration, we used the salary level of a GS-12 step 1 employee from the Washington, D.C. area and compared it to the base salary level for a GS-12 step1 with no locality pay. Per 5 CFR §531.610(f) and OPM Guidance, the locality pay rate is used as the basic rate in computing post differentials under 5 U.S.C. § 5925(a), post hardship differential, and 5 U.S.C. § 5928, danger pay.

^bSeparate maintenance allowance may be paid to employees who are on assignments where they cannot be accompanied by their dependants, to assist them in supporting the dependants they have left behind. The amount of the allowance is based on marital status and number of dependants living at a location other than the assigned post. Our analysis is based on the minimum and maximum allowances.

^cDeployed civilians typically work overtime while deployed to Iraq or Afghanistan. For our example, the employee is assumed to be working 20 hours of overtime per pay period and to be deployed for 1 year. Overtime is calculated by multiplying the hourly rate by 20 hours per pay period by 26 pay periods a year. We used a year because over 50 percent of our survey respondents had served 12 months or more in Iraq or Afghanistan. In the case of the employee in TDY status, that hourly rate includes locality pay.

OPM Acknowledges Differences May Occur in Compensation for Deployed Civilians

As mentioned previously, your Subcommittee, in April 2008, recommended that OPM develop an incentive and benefits package that would apply to all federal civilians deployed to a war zone and asked OPM to submit any necessary legislative recommendations to Congress. In June 2008, OPM issued a memorandum acknowledging that current laws and agency policy could result in disparate treatment for deployed civilians who work under the same conditions and face the same risks. The memorandum urged agencies to make every effort to eliminate disparities and inconsistencies in compensation by taking full advantage of the authorities granted to

them by Congress. While the memorandum listed various authorities, it did not provide a comprehensive package for deployed civilians or address variations in policy such as deployment status and locality pay that, as we previously mentioned, could result in a difference of tens of thousands of dollars in compensation for deployed civilians. Respondents to our survey and participants in our discussion groups in Iraq stated that such differences in compensation could affect the morale of these civilians.

Furthermore, the memorandum did not propose any legislative recommendations to potentially be submitted to Congress. OPM officials stated that DOD had initiated an interagency working group to discuss compensation issues and develop proposed legislative changes related to civilians deployed to Iraq and Afghanistan; OPM decided to participate in those discussions. Officials at both OPM and DOD stated that while deployment-related compensation issues were discussed at the working group, no proposed legislative changes had been submitted to the Subcommittee. According to DOD officials, the working group's recommendations did not represent a comprehensive package for all civilians deployed to war zones, because the changes focused primarily on deployments to Iraq and Afghanistan and not "war zones" as stipulated by the Subcommittee.

Implementation of Compensation Policies Is Not Always Accurate and Timely, and Recent Legislation to Enhance Death Gratuities Is Not Yet Incorporated in Policy

Our survey results and group discussions with DOD and State civilians who were deployed to Iraq at the time of our review indicate that agencies face some difficulties in ensuring that deployed civilians receive the compensation to which they are entitled in an accurate and timely manner. In addition, recent legislation to increase death gratuities in some cases is not yet incorporated in policy. Approximately 40 percent of the deployed civilians reported having had problems related to their compensation while they were deployed. Among the respondents reporting such problems, about 26 percent reported being improperly compensated, experiencing delays, or not receiving their compensation. For example, they reported receiving danger pay or post hardship differential late—or not at all—in part because they did not know they were eligible or where to get assistance. Additionally, officials at four agencies³⁸ acknowledged that they had experienced difficulties in effectively administering deployment-related pay, in part because there was no single

³⁸ The four agencies were the Departments of Agriculture, Defense, Homeland Security, and Justice.

comprehensive source delineating the various pays associated with deployment.

Participants in our Iraq discussion groups noted that it was difficult for them to deal with these compensation issues while they were still deployed. For example, participants said that earning and leave statements do not clearly differentiate among all of the applicable deployment-related pay types or identify the associated rates; as a result, it is difficult to determine whether pay has been calculated correctly. In addition, the discussion group that consisted of DOD civilians indicated that the level of knowledge regarding deployment-related compensation varies widely among personnel offices within DOD—ranging from not at all knowledgeable or helpful to very knowledgeable and helpful. Ten of our survey respondents reported being overpaid—in part because their employing agencies did not discontinue compensation such as post hardship differential payments at the appropriate time—and as a result, had to reimburse the government for such overpayments. In prior work,³⁹ we reported that activated National Guard and Reserve servicemembers encountered similar pay issues, including difficulties in activating and stopping deployment-related compensation. These issues were primarily the result of cumbersome processes and lack of agency support associated with receiving these types of compensation. We recommended that DOD evaluate the feasibility of establishing an ombudsman to deal with Reserve pay issues. DOD concurred with this recommendation and created an Army Ombudsman Office to assist activated reservists with their compensation problems.

In addition, Congress provided for a death gratuity under FECA of up to \$100,000 to be paid to the survivor of a deployed civilian whose death resulted from injuries incurred while deployed in support of a contingency operation.⁴⁰ This statute also provided agency heads with the discretion to apply the death gratuity provision retroactively for survivors of civilians who died, on or after October 7, 2001, from injuries incurred in connection with their service with an armed service in the theater of operations during either Operation Iraqi Freedom or Operation Enduring Freedom. This provision became law on January 28, 2008. However, Labor, which is responsible for implementing regulations under FECA, has yet to issue formal implementing policy—although Labor officials told us that they

³⁹ [GAO-04-911](#), [GAO-04-413T](#), and [GAO-04-89](#).

⁴⁰ Pub. L. No. 110-181 §1105 (2008).

have been working to finalize a policy for over a year. Further, while some agencies⁴¹ have issued memoranda or conducted briefings concerning the death gratuity, according to officials at the agencies included in our review, none has issued formal policy that incorporates these provisions—including the retroactive provision—because they are waiting for implementing guidance from Labor. In fact, officials from State and USAID said that they cannot move forward on these provisions until Labor issues its guidance. Labor officials told us that because of the recent change in administration, they could not provide us with an anticipated issue date for the final policy; Labor officials stated that the draft policy is currently being reviewed for approval by the Office of Management and Budget. Despite the lack of formal policy, officials at Labor and DOD stated that, at the time of our review, this \$100,000 death gratuity had been paid in one instance.

While Policies on Medical Benefits Are Generally Comparable, Some Issues Exist in Both Policies and Implementation

Although agency policies on medical benefits are similar in most respects, some issues exist both in policy and implementation—including policies related to medical treatment following deployment; coverage for eligible deployed civilians through FECA; and post-deployment medical screenings, a process that is not consistent across agencies.

Agencies' Policies on Medical Benefits for Deployed Civilians Are Generally Comparable

While State and DOD have similar policies regarding medical benefits for deployed civilians, some minor differences exist in both their policies and their implementation of those policies. For example, regardless of the employing agency, deployed civilians are entitled to medical care at either DOD or State medical facilities in theater, according to both DOD and

⁴¹ Specifically, DOD and Justice have issued memoranda and USDA officials stated that they conduct briefings for deploying civilians concerning this death gratuity.

State guidance.⁴² State policies entitle civilians serving under the authority of the Chief of Mission to treatment for routine medical needs at State facilities while they are in theater. DOD's policies entitle all deployed civilians to the same level of medical treatment while they are in theater as military personnel. Civilians who deploy may also be eligible for medical benefits, referred to as workers' compensation, through FECA. For a civilian to be deemed eligible, Labor must determine, based on the civilian's application and medical evidence, that the medical condition resulted from personal injury sustained in the performance of duty during deployment.⁴³ Civilians whose claims are approved under FECA are eligible for continued treatment at military facilities, regardless of their employing agency.⁴⁴ (See app. II for additional information regarding medical benefits.)

Civilians' Eligibility to Receive Care at DOD Medical Facilities Following Deployment Is Not Clear or Conveyed to Other Agencies

While DOD guidance⁴⁵ clearly provides that all DOD civilians are eligible under workers' compensation for care at military treatment facilities following deployment, the eligibility of "non-DOD" civilians for such care is not as clearly defined. Specifically, DOD's September 2007 policy memorandum states that civilians who were treated during their deployment for a work-related illness or injury continue to be eligible for treatment at military treatment facilities following deployment. The memorandum also states that civilians from agencies other than DOD may be eligible to receive additional care at military treatment facilities if the Under Secretary of Defense (Personnel and Readiness) approves care

⁴² Memorandum from Gordon England, Deputy Secretary of Defense, *Policy Guidance for Provision of Medical Care to Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities* (Sept. 24, 2007); Office of the Surgeon General/MEDCOM Policy Memo 08-017, *Provisions of Medical Health Screening and Medical Care to Federal and Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities in Iraq and Afghanistan* (May 15, 2008); 16 FAM 412 establishes State's responsibility for healthcare at posts abroad, this includes State employee health units in both countries to meet the routine medical needs of federal civilians.

⁴³ Under FECA, any disability resulting from a war-risk hazard is generally deemed to have resulted from personal injury sustained while in the performance of duty. 5 U.S.C. § 8102(b).

⁴⁴ Civilians with approved claims under FECA may also seek care at private sector medical providers.

⁴⁵ Memorandum from Gordon England, Deputy Secretary of Defense, *Policy Guidance for Provision of Medical Care to Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities* (Sept. 24, 2007).

under compelling circumstances. DOD's memorandum, however, does not clearly define what constitutes "compelling circumstances." According to DOD officials, three issues can be used to determine "compelling circumstances:" (1) an inadequate standard of medical care is available on the local economy; (2) security is unavailable, so that care on the local economy cannot be obtained safely; and (3) DOD has unique clinical capability to deal with the particular condition. DOD officials further stated that DOD having a unique clinical capability to deal with a particular condition is the most likely circumstance under which non-DOD civilians would be authorized treatment following deployment. The compelling circumstances stated above, however, are not comprehensive and are not specified in DOD's guidance.

Despite DOD's policy to allow "non-DOD" civilians to receive treatment in DOD facilities following deployment, confusion exists within other agencies and DOD regarding non-DOD civilians' eligibility for this care. For example, officials at several agencies, including State, USAID, and Justice, were unaware that deployed civilians were eligible for care at DOD facilities following deployment, in part because these agencies did not receive the September 2007 memorandum from DOD. Additionally, confusion exists within DOD regarding non-DOD civilians' eligibility. For example, the U.S. Army Medical Command issued a May 2008 policy memorandum⁴⁶ that implemented DOD's 2007 guidance. While the Medical Command document specified that FECA-approved non-DOD civilians are authorized to receive continued treatment at military treatment facilities following deployment and that those without an approved claim may receive treatment if it is authorized by the Under Secretary of Defense (Personnel and Readiness), officials from the Office of the Secretary of Defense Civilian Personnel Policy, Health Affairs, and the Air Force's Office of the Surgeon General had differing interpretations of the circumstances under which non-DOD civilians were eligible to receive care at military treatment facilities. One position was that non-DOD civilians could obtain such care with special approval, while the other was that non-DOD civilians were not eligible under any circumstances. Additionally, officials from the Department of the Army's Medical Command stated that civilians seeking treatment following deployment

⁴⁶ Office of the Surgeon General/MEDCOM Policy Memo 08-017, *Provisions of Medical Health Screening and Medical Care to Federal and Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities in Iraq and Afghanistan* (May 15, 2008). The Army military treatment facilities, which include hospitals and clinics, are under the purview of the U.S. Army Medical Command.

could experience difficulty receiving treatment at military treatment facilities because not all of these facilities are aware of their eligibility for treatment. Because some agencies and military treatment officials are not aware that non-DOD civilians can be eligible for care at military treatment facilities following deployment, those non-DOD agencies' civilians cannot benefit from the efforts DOD has undertaken in areas such as post traumatic stress disorder.

Workers' Compensation Documentation Requirements Are Not Clearly Defined

We reviewed all 188 workers' compensation claims filed by deployed civilians between January 1, 2006, and April 30, 2008, and determined that claims examiners requested additional information in 125 cases,⁴⁷ resulting in increased processing times that in some instances exceeded the department's standard goals for processing claims. For example, of the 72 traumatic injury⁴⁸ claims for which additional information was requested, the average processing time for about one of every five was nearly twice Labor's internal standard of 45 days.⁴⁹ Our analysis showed that, in 116 of the 125 cases, Labor requested medical records or physicians' reports to substantiate the claims. Moreover, survey respondents who had filed workers' compensation claims reported experiencing difficulty completing the necessary paperwork for the claims. In fact, about 20 percent of our respondents reported either being asked for additional information or experiencing delays with their claims. Additionally, another 22 percent of the respondents who filed workers' compensation claims stated that their agencies had provided them with little or no support in completing the paperwork for their claims.

Further analysis of the claims process indicated that Labor's traumatic injury claim form did not clearly specify what supporting documents

⁴⁷ Of these 125 cases, 74 were approved, 42 were denied, and 9 cases were still being processed at the time of our review.

⁴⁸ Labor defines "traumatic injury" as any wound or other condition of the body caused by external force, including stress or strain, caused by a specific event or incident within a single workday or shift.

⁴⁹ The average processing time for the 14 traumatic injury claims that did not meet Labor's internal standard of 45 days was 78 days from the receipt of the claim by Labor until an initial decision was reached. While this represents an average of 33 days beyond the established standard, these claims exceeded the standard by as little as 1 day and as many as 88 days. For the 58 traumatic injury claims that met Labor's internal standard of 45 days, the average processing time was 33 days.

applicants had to submit to substantiate a claim.⁵⁰ Specifically, while this form states that the claimant must “provide medical evidence in support of a disability,” the type of evidence required is not specifically identified. This evidence would include a medical report containing the dates of examination and treatment, medical history provided to the physician, physicians’ findings and diagnosis, and results of x-rays and tests.

Labor officials stated that additional information is requested when applicants have not provided enough support to substantiate their claims for workers’ compensation. These officials also stated that applicants may not have provided adequate documentation because they were unaware of the type of information they needed to supply or because they did not fully understand the application process. Furthermore, Labor officials acknowledged that the required application forms for workers’ compensation benefits should be updated to improve the claims process. Specifically, they noted that clearly identifying the documentation requirements such as medical reports on the forms may help claimants provide the information necessary to support their claims. These Labor officials also suggested that deployed civilians needed a liaison at their agency to guide them through the process for applying for workers’ compensation benefits and ensure that each application is complete before it is submitted to Labor. Officials from the six agencies included in our review stated that they recognized the benefits of having a liaison to assist their deployed civilians with workers’ compensation claims.

While Labor has goals and measures performance for claims processing in accordance with the Government Performance and Results Act,⁵¹ the act also requires that agencies explain why performance goals are not met, and what their plans are to meet those goals. Without clear information on what to submit in support of their claims, civilians may continue to experience delays in the application process. Furthermore, without the appropriate support and guidance from their employing agencies, deployed civilians may continue to experience difficulties in applying for medical benefits under workers’ compensation.

⁵⁰Labor defines “traumatic injury” as any wound or other condition of the body caused by external force, including stress or strain, caused by a specific event or incident within a single workday or shift.

⁵¹ Pub. L. No. 103-62 (1993).

Medical Screening Requirements Are Not Consistent

Both DOD and State require civilians to be medically screened before they are deployed, to determine whether they are fit to serve; DOD also requires medical screening of civilians following their deployments, while State has no comparable requirement for civilians serving under its purview. Specifically, DOD generally requires its deploying civilians to complete the same medical screenings as active duty military servicemembers, both before and following deployment. Deploying civilians must undergo medical screening no more than 60 days prior to their expected deployment dates; they receive immunizations and complete a medical form, which includes a number of questions.⁵² These forms are completed by the deploying civilians, reviewed by health care providers,⁵³ and included in the deploying civilians' medical records. Approximately 93 percent of the DOD civilians⁵⁴ in our survey of deployed civilians responded that they had completed pre-deployment health assessments. Similarly, State policy requires its employees to receive medical clearances before deploying.⁵⁵ To be cleared, the employee must have a current physical examination on file and obtain any immunizations specified by the department. Approximately 92 percent of the non-DOD civilians⁵⁶ in our survey responded that they had received medical clearances before they deployed.

⁵² The medical questionnaire is called DD Form 2795.

⁵³ Health care providers include physicians, nurses, medical technicians, medics, or corpsmen.

⁵⁴ As discussed in app. I, individuals who were identified as having been deployed by their employing agency and who also filed a FECA claim were included as a separate FECA strata in our sample. Since a deployed civilian could only be included in one sampling stratum, the estimate for DOD civilians does not include those DOD civilians who filed a workers' compensation claim.

⁵⁵ Employees whose medical clearances are current (defined as issued within 2 years of tour of duty overseas) are asked to complete a Medical Clearance Update form (DS-3057) and submit it to State's Medical Clearances Office. These individuals may request an optional early full physical clearance exam. Employees and applicants who do not have a current medical clearance must have a physical examination and have this evaluated by State's Medical Clearances Office. The purpose of a medical clearance is to identify health needs and medical conditions that may require specialty management, follow-up or monitoring, or could be prone to exacerbation in certain environments.

⁵⁶ As discussed in app. I, individuals who were identified as having been deployed by their employing agency and who also filed a FECA claim were included as a separate FECA strata in our sample. Since a deployed civilian could only be included in one sampling stratum, the estimate for non-DOD civilians does not include those non-DOD civilians who had filed a workers' compensation claim.

DOD also requires that civilians complete a post-deployment health assessment within 30 days of their return. These assessments are conducted by trained health care providers and documented in the civilians' permanent medical records. During the post-deployment health assessment, the health care provider is required to discuss with the civilian mental health or psychosocial issues commonly associated with deployment. Approximately 21 percent of the DOD civilians responding to our survey reported that they had not completed medical screenings following their deployments. According to U.S. Army Medical Command officials, these post-deployment screenings are not always conducted, because the department lacks standardized procedures for processing returning civilians. In addition to the post-deployment health assessment, DOD requires returning civilians to participate in a post-deployment health "reassessment" 90 days but no longer than 180 days after returning to their home stations. The post-deployment health reassessment requires returning civilians to complete a medical form and potentially meet with a trained DOD health care provider to discuss any health concerns they report on the form. However, according to officials at Civilian Personnel Policy and U.S. Army Medical Command, DOD experiences similar compliance issues with this reassessment.

State policy, on the other hand, does not require any type of post-deployment medical screening for civilians from State, or from other agencies, who are deployed under its purview. Instead, State requires that employees monitor their own medical condition for purposes of maintaining a medical clearance, and makes a post-deployment medical examination available, at no cost, to returning civilians who request it. Because Foreign Service officers from State routinely move from one overseas assignment to another without returning home and are required to maintain medical clearance for the new posting, State does not require post-deployment screenings for its own staff following deployment in support of contingency operations. As a result, State has no mechanism in place to ensure that civilians from other agencies who are deployed under its purview are screened following their deployments, and therefore these civilians may return home without being medically screened. State does, however, require its employees—and all employees from USAID—to attend a post-deployment outbrief related to stress management. This outbrief is offered to, but not required for, all Foreign Service civilians who have deployed under State's purview.

Without procedures to identify and document the medical condition of deployed civilians both before and following their service in Iraq or Afghanistan, these civilians may be inadvertently denied medical benefits

to which their deployments entitle them through workers' compensation—that is, agencies may not identify health issues that require medical attention as being deployment related. As we previously reported with respect to uniformed military personnel, documenting the medical condition of deployed personnel both before and following their deployments is critical to identifying medical conditions that may have resulted from deployment.⁵⁷ Without medical screenings before and following deployments, DOD and State will not have the information needed to ensure that civilians receive the medical benefits and care for deployment related conditions to which they are entitled.

Executive Agencies' Ability to Track Deployed Civilians Is Limited

While each of the selected agencies we reviewed was able to provide a list of deployed civilians, none of the agencies has fully implemented policies and procedures to identify and track its civilians who have deployed to Iraq and Afghanistan. DOD, for example, issued guidance and established procedures for identifying and tracking deployed civilians in 2006, but as recently as February 2008 concluded that its guidance and associated procedures were not being consistently implemented across the department.⁵⁸ In 2008 and 2009, DOD reiterated its policy requirements and again called for DOD components to comply.⁵⁹ In addition, while the other executive agencies we reviewed have some ability to identify deployed civilians, this ability—like DOD's—relies on procedures that are not specifically designed to identify and track location-specific information on deployed civilians. Consequently, DOD and the other executive agencies rely on a variety of data sources, some of which must be searched

⁵⁷ [GAO-06-1085](#).

⁵⁸ Memorandum from Patricia Bradshaw, Deputy Under Secretary for Civilian Personnel Policy, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas* (June 23, 2006) stated that DOD components were to use the Defense Civilian Personnel Data System (DCPDS) to track deployed civilians until a permanent solution could be developed; Memorandum from Brad Bunn, Director, Department of Defense Civilian Personnel Management Service, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas* (Feb. 8, 2008).

⁵⁹ Memorandum from Patricia Bradshaw, Deputy Under Secretary for Civilian Personnel Policy, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas* (June 23, 2006); Memorandum from Brad Bunn, Director, Department of Defense Civilian Personnel Management Service, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas* (Feb. 8, 2008); and DOD Directive 1404.10, *DoD Civilian Expeditionary Workforce* (Jan. 23, 2009).

manually, to identify deployed civilians. As we previously reported and as indicated by both the Institute of Medicine and DOD, the ability of agencies to report exposures or other incidents—as well as location-specific information on employees throughout their careers—is important for identifying potential medical conditions related to deployment.

Since 1995, DOD has recognized the importance of identifying deployed civilian employees and tracking their movements, and it has directed the heads of DOD components to establish procedures to account for civilian employees in theaters of operations.⁶⁰ These procedures require the department, among other things, to maintain information on each deployed civilian—such as their names and locations—as well as the number of deployed civilians. In 2006, the Deputy Under Secretary of Defense for Civilian Personnel Policy issued a memorandum requiring DOD components to initiate a personnel action to document civilians being deployed to Iraq or Afghanistan. This guidance requires DOD components to enter a request for personnel action into DOD’s Defense Civilian Personnel Data System for each civilian deployed overseas in support of contingency operations to indicate the beginning and completion of each deployment.⁶¹ Nonetheless, as of February 2008, DOD reported that the components had documented only 365 requests for personnel actions dealing with personnel deployed to Iraq or Afghanistan, a figure that is significantly lower than the actual number of civilians temporarily assigned to duty in these countries.⁶² On January 23, 2009, DOD again stated that a request for personnel actions must be filed to document all unclassified deployments and that DOD will track and account for deployed DOD civilians, including tracking their daily locations.⁶³ Nevertheless, at the time of our review, DOD was unable to provide the total number of DOD civilians deployed to Iraq, Afghanistan, or other locations that support operations in this region; the latter includes

⁶⁰ DOD Directive 1404.10, *DoD Civilian Expeditionary Workforce* (Jan. 23, 2009); DOD Instruction 1400.32, *DoD Civilian Work Force Contingency and Emergency Planning Guidelines and Procedures* (Apr. 24, 1995).

⁶¹ Memorandum from Patricia Bradshaw, Deputy Under Secretary for Civilian Personnel Policy, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas* (June 23, 2006).

⁶² Memorandum from Brad Bunn, Director, Department of Defense Civilian Personnel Management Service, *Documentation of Department of Defense Civilian Employees Officially Assigned to Military Contingency Operations Overseas* (Feb. 8, 2008).

⁶³ DOD Directive 1404.10, *DoD Civilian Expeditionary Workforce* (Jan. 23, 2009).

countries like Kuwait, Bahrain, and Qatar. In fact, DOD officials conducted a special data call to obtain those numbers, but at the time of our review these had not been provided.

As noted previously, in conducting this review, we also asked DOD and the remaining five selected agencies to provide lists of their civilian employees who had deployed to and returned from Iraq or Afghanistan between January 1, 2006, and April 30, 2008. While the agencies did have some ability to identify those employees who deployed to Iraq or Afghanistan during this period, they did not have any specific mechanisms for identifying and tracking their civilian employees deployed to Iraq or Afghanistan.⁶⁴ In order to compile these lists, agencies relied on a variety of different data sources, including manual searches of personnel files, to identify civilian employees who had deployed and returned during the aforementioned time frame. Below are summaries of the mechanisms each agency used to compile its list of civilian employees who deployed to Iraq or Afghanistan.

- DOD compiled its list by querying its Corporate Management Information System (CMIS); CMIS is a subsystem of the Defense Civilian Personnel Data System (DCPDS). According to the DOD official responsible for compiling the requested data, CMIS is a human resource system that is not specifically designed to track deployed civilians.
- State officials compiled their list by querying their Global Employment Management System (GEMS). According to a responsible State official, GEMS is a human resources system designed to document a personnel action from its initial request until it is completely processed.
- The Department of Homeland Security (DHS) had no internal mechanism to track its deployed civilians and relied on State to provide a list. DHS relied on State's Office of Orientation Processing to compile its list by querying requests for Iraq or Afghanistan country clearances that it had sought during the time frame prescribed by GAO.
- Officials in the United States Department of Agriculture (USDA), Foreign Agriculture Service, Office of Capacity Building and Development compiled their list of deployed USDA civilians by searching through a Microsoft Excel spreadsheet. The Office of Capacity Building and Development maintains an Excel spreadsheet to keep track of civilians who deploy.

⁶⁴ The six agencies included in our review experienced difficulties in generating the lists of deployed civilians. In some instances, lists included duplicate entries for the same personnel action and did not include contact information for the civilians.

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- USAID developed its list from information it obtained through a manual review of its personnel records.
 - Justice generated its list by querying its personnel system.

Although we determined the data to be sufficiently reliable for purposes of selecting a generalizable sample, none of the agencies was initially able to provide all the requested information. For example, no agency was able to provide complete contact information for each civilian on its list.⁶⁵

Moreover, some agencies could not determine whether or not their lists were complete and accurate. Additionally, with the exception of DOD, none of the agencies could readily provide a list of civilians deployed in temporary duty status for less than 180 days. DOD has stated that it is critical for an agency to possess an agencywide process to account for civilian employees deployed in support of contingency operations overseas— such as those in Iraq and Afghanistan—so that agencies can address any long term medical issues related to deployment. This information should include the name of each deployed civilian, the date the civilian deployed, the location of deployment, the date the deployment ended, and the date the civilian returned to his or her permanent duty station. We reported previously that the ability of agencies to report location-specific information on employees is necessary for identifying potential exposures or other incidents related to deployment.⁶⁶ This includes movement within theater and medical treatments while deployed. Lack of such data may hamper an agency's ability to intervene quickly to address any future health problems that arise as a result of deployment in support of contingency operations.

Conclusions

Deployed civilians are a crucial resource for success in the ongoing military, stabilization, and reconstruction operations in Iraq and Afghanistan. Most of the civilians—68 percent of those in our review—who deploy to these assignments volunteered to do so, are motivated by a strong sense of patriotism, and are often exposed to the same risks as military personnel. Because these civilians are deployed from a number of executive agencies and work under a variety of pay systems, any inconsistencies in the benefits and compensation they receive could affect that volunteerism. Moreover, ongoing efforts within DOD and State to

⁶⁵ Completeness of contact information varied significantly from agency to agency. Some agencies provided information that was over 95 percent complete while others provided only limited contact information.

⁶⁶ [GAO-05-632](#).

establish a cadre of deployable civilians further emphasizes that the federal government realizes the important role these federal employees play in supporting ongoing and future contingency operations and stabilization and reconstruction efforts throughout the world. Given the importance of the missions these civilians support and the potential dangers in the environments in which they work, agencies should make every reasonable effort to ensure that the compensation and benefits packages associated with such service overseas are appropriate and comparable for civilians who take on these assignments. It is equally important that federal executive agencies that deploy civilians make every reasonable effort to ensure that these civilians receive all of the medical benefits and compensation to which they are entitled. These efforts include maintaining sufficient data to enable agencies to inform deployed civilians about any emerging health issues that might affect them.

Recommendations for Executive Action

To help ensure that civilians deployed in support of operations in Iraq and Afghanistan or future contingencies receive comparable types of compensation and benefits such as overtime and locality pay, regardless of deploying agency, we are recommending that

- the Director of OPM develop and oversee an executive agency working group to review existing compensation to develop an action plan or make legislative recommendations if necessary and appropriate to address differences, such as overtime and locality pay, in the types of compensation provided to civilians deployed to Iraq, Afghanistan, or future contingencies.

To help ensure that civilians deployed in support of operations in Iraq and Afghanistan or future contingencies receive the full compensation and benefits to which they are entitled, we are recommending that

- the Secretary of Labor
 - revise the application materials for Federal Employees' Compensation Act claims to make clear what documentation applicants must submit with their claims and
 - set a clear timeframe for issuing implementing guidance concerning the death gratuity granted by section 1105 of the National Defense Authorization Act for Fiscal Year 2008, Public Law Number 110-181.
- the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to

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- establish an ombudsman program to help ensure that deployed civilians obtain accurate information and receive such compensation and medical benefits in a timely manner;
 - clarify guidance governing the availability of medical care at military treatment facilities for federal civilians following deployment and formally advise other agencies that deploy civilians of the circumstances under which care will be provided;
 - establish standard procedures to ensure that returning civilians complete the required post- deployment medical screenings; and
 - establish mechanisms to ensure that the Department’s policies to identify and track deployed civilians are implemented.
- the Secretary of State develop post-deployment medical screening requirements for civilians deployed under the purview of the Department of State; and
 - the Secretaries of Agriculture, Homeland Security, and State, the Attorney General, and the Administrator of the United States Agency for International Development
 - establish ombudsman programs, or for agencies deploying small numbers of civilians, focal points with human capital expertise, to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled and
 - establish policies and procedures to accurately identify and track standardized information on deployed civilians, such as location specific movements in theater for any future medical issues related to their deployment.

Agency Comments and Our Evaluation

We provided a draft of our report to OPM; the Departments of Labor, Defense, State, Agriculture, Homeland Security, and Justice; and the United States Agency for International Development. We received oral comments from Homeland Security and Agriculture. In addition, we received written comments from OPM, Labor, DOD, State, Justice, and USAID, and these official agency comments are reprinted in appendix IV through appendix IX.

Office of Personnel Management

In its written comments in response to a draft of our report, the Office of Personnel Management concurred with the intent of our recommendation that it develop and oversee an executive agency working group to review existing compensation to develop an action plan or make legislative recommendations if necessary and appropriate to address differences, such as overtime and locality pay, in the compensation provided to

civilians deployed to Iraq or Afghanistan. OPM stated that it has worked closely with the Departments of Defense, State, and “other agencies” to support and provide guidance on new and enhanced compensation and benefits policies and authorities for all deployed civilian employees and will continue to do so, as necessary. Specifically, OPM noted that, in 2008, its staff participated in more than 10 meetings with DOD, State, and other agencies to address inappropriate disparities or inconsistencies in the treatment of deployed civilian employees. OPM stated that the best way forward was through its ongoing efforts to work with these agencies to develop any permanent solutions needed to support all civilian employees and suggested that we revise our recommendation to have the Director of OPM work with executive agencies to make legislative recommendations if necessary to address differences in compensation and benefits provided to deployed civilian employees. While we believe that OPM’s collaboration with these agencies and its efforts to develop permanent solutions for deployed civilians are notable, this approach and OPM’s suggested revision do not capture the comprehensive review of compensation for deployed civilians and related action plan, we envisioned with our recommendation. Given the number of agencies that currently deploy civilians and the administration’s commitment to bolster its civilian capability to respond to contingency operations and stabilization and reconstruction efforts, a federal government effort must be carefully coordinated to ensure the fair and equitable treatment of deployed civilians. We believe OPM is in a unique position to lead this effort because of its role in advising and developing governmentwide policies on personnel management. We therefore stand by our recommendation to the Director of OPM to address the issues associated with the compensation of deployed civilians, as outlined in this report, to ensure that all employees are treated fairly and equitably.

OPM also stated that it did not fully agree with the premise stated in our recommendation that all employees should receive “comparable” compensation and benefits. They noted that variations in compensations and benefits may be appropriate due to differences in the type and level of work performed, geographic location, and statutory entitlements. Upon review, we clarified our text to state “comparable types of compensation” rather than “comparable compensation.” Additionally, OPM stated that our recommendation should clearly identify whether it applies to Iraq, Afghanistan, and future contingencies or solely to Iraq and Afghanistan. We agree and have clarified our recommendation to include future contingencies.

Department of Labor

In its written comments in response to a draft of our report, Labor generally concurred with our two recommendations to help ensure that civilians deployed in support of operations in Iraq, Afghanistan, or future contingencies receive the full compensation and benefits to which they are entitled.

Specifically, with respect to our recommendation that Labor revise the application materials for Federal Employees' Compensation Act claims, the department committed to reviewing the instructions that accompany the CA-1 form, *Federal Employees' Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, to determine whether to include further guidance on what medical information should be submitted to support a claim. If properly designed and implemented, these actions should meet the intent of our recommendation.

In its comments regarding our recommendation that Labor establish a clear time frame for issuing guidance concerning the death gratuity granted by the 2008 National Defense Authorization Act, the department mentioned a number of efforts it has taken to date to establish informal guidance. For example, Labor stated that it had already contacted all of the agencies deploying civilians to war zones and strongly encouraged them to obtain beneficiary forms from these civilians before they are deployed. Labor further stated in its comments that it had posted information about the death gratuity and beneficiary designations on its website, but we note that this does not constitute formal guidance. Furthermore, after reviewing the website, we observed that it did not address all of the circumstances under which the death gratuity may be applicable. For example, the website did not mention that the Act also provided agency heads with the discretion to apply the death gratuity provision retroactively for survivors of civilians who died on or after October 7, 2001 from injuries incurred in connection with their service with an armed force in the theater of operations during either Operation Iraqi Freedom or Operation Enduring Freedom. Specifically, regarding the timeframe for issuing guidance, the department stated, as noted in our report, that an Interim Final Rule concerning this death gratuity was pending review before the Office of Management and Budget. Labor further commented that once the final rule is approved by the Office of Management and Budget, it will move promptly toward full implementation. If these actions are taken as stated, they should meet the intent of our recommendation.

Department of Defense

In its written comments in response to a draft of our report, DOD concurred with our four recommendations to help ensure that civilians deployed in support of operations in Iraq, Afghanistan, or future contingencies receive the full compensation and benefits to which they are entitled.

DOD concurred with our recommendation to establish an ombudsman program and noted that it has taken steps to do so. Specifically, the department noted that in October 2008 it established a Civilian Expeditionary Workforce Readiness Unit which, among other responsibilities, manages a DOD ombudsman service to ensure that deploying civilians receive needed support and guidance before, during, and after deployment. The department noted that under this unit, deploying civilians are provided a “case manager” who, in coordination with component representatives, provides service and assistance. DOD further noted that it has established civilian human resources offices in Iraq and Afghanistan to provide assistance on matters related to compensation and benefits. The department also noted that such an office has been fully established in Iraq but not in Afghanistan; the senior Human Resources Advisor for the Afghanistan office will be deploying shortly. We commend these actions. If implemented as described, they should meet the intent of our recommendation.

DOD also concurred with our recommendation to clarify guidance governing the availability of medical care at military facilities for federal civilians following deployment and to formally advise non-DOD agencies of the circumstances under which such care can be provided. DOD noted that current DOD policy regarding medical care of deployed civilians at DOD military treatment facilities is contained in policy memoranda and regulations and has been provided to federal agencies. However, the department acknowledges that the information in that policy is not well known or easily understood by potential beneficiaries. DOD is therefore developing an online curriculum that will clarify these policies for DOD and non-DOD civilians. The Department expects the curriculum to be completed and available by the end of September 2009. If properly implemented, these actions should meet the intent of our recommendation.

DOD concurred with our recommendation to establish standard procedures to ensure that returning civilians complete the required post deployment medical screenings. As noted in our report, DOD states that its policy requires civilians who deploy to complete pre- and post-deployment health assessments. The department noted that data from

these health assessments for both military and DOD civilian personnel are now processed electronically through the Armed Forces Health Surveillance Center (AFHSC). It further noted that the department was developing new procedures to allow DOD agencies (e.g., Defense Threat Reduction Agency and Missile Defense Agency) to use the automated systems of the “Military Department” for recording and processing health assessments when a military treatment facility is used for the assessment. If properly designed and implemented these actions should meet the intent of our recommendation.

Finally, DOD concurred with our recommendation to establish mechanisms to identify and track standardized information on deployed civilians. The department noted that the Defense Manpower Data Center has established a tracking and identification mechanism using different military identification systems: the Deployed Theater Accountability System and the Deliberate Crisis Action Planning and Execution Segment. DOD further stated that these systems will be used to develop a file to account for civilian deployments; the department anticipates completing this file by September 2009. If properly designed and implemented, these actions should meet the intent of our recommendation.

Department of State

In its written comments in response to a draft of our report, the Department of State concurred with our three recommendations. Specifically, with respect to our recommendation that it develop post-deployment medical screening requirements, State committed to implementing mandatory medical clearance exams for civilian employees upon completion of their assignment in a combat zone, beginning in 2010. With respect to our recommendation that it establish an ombudsman program to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled, State committed to designating a formal ombudsman to replace its informal existing mechanisms. Finally, with respect to our recommendation that it establish policies and procedures to identify and track deployed civilians, State committed to consulting and coordinating with DOD and other executive agencies to determine the best way to establish policies and procedures to accurately identify and track standardized information on deployed civilians. If properly designed and implemented, these actions should meet the intent of our recommendations.

Department of Agriculture

In oral comments in response to a draft of our report, the Department of Agriculture concurred with our recommendation to establish policies and

procedures to accurately identify and track standardized information on deployed civilians, such as location-specific movements in theater for any future medical issues related to their deployment, but the department did not identify any actions it planned to take. We commend the department's concurrence with our recommendation; however, until it informs us of the specific actions it plans to take, we are unable to determine whether such actions would meet the intent of this recommendation.

With respect to our recommendation to establish an ombudsman program to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled, the department noted that the work currently being performed to establish a centralized office for managing all entitlements for deployed civilians, (including guidance in the areas of leave, retirement, travel, etc., and not exclusively compensation and medical benefits) would meet the spirit of the recommendation. The department considers this office to be an intermediary for deployed civilians and to cover a broader scope of responsibilities than a traditional ombudsman. If properly designed and implemented, these actions should meet the intent of this recommendation.

Department of Homeland Security

In oral comments in response to a draft of our report, the Department of Homeland Security concurred with our recommendations to (1) establish an ombudsman program to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled and (2) establish policies and procedures to accurately identify and track standardized information on deployed civilians, such as location-specific movements in theater for any future medical issues related to their deployment. The department did not identify any specific actions it plans to take. We commend the department's concurrence with our recommendation; however, until it informs us of the specific actions it plans to take, we are not able to determine whether such actions would meet the intent of these recommendations.

Department of Justice

In written comments in response to a draft of our report, the Department of Justice concurred with our recommendations and identified actions that it plans to take to implement them. With respect to our recommendation that it establish an ombudsman program to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled, Justice committed to developing policy and procedures to ensure that deployed civilians receive the compensation and medical benefits to

which they are entitled or for which they may otherwise be eligible and to identifying subject matter expertise within the department to assist components in effectively administering deployment related compensation. Justice committed to taking these actions by April 15, 2010. If properly designed and implemented, these actions should meet the intent of this recommendation.

With respect to our recommendation that it establish policies and procedures to identify and track deployed civilians, Justice committed to determining a mechanism to coordinate the tracking of deployed civilians across department components, but it did not identify specific actions it plans to take. We commend the department's concurrence with our recommendation; however, until it informs us of all the specific actions it plans to take, we are not able to determine whether such actions would meet the intent of this recommendation.

**United States Agency for
International Development**

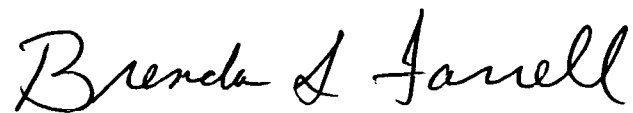
In its written comments in response to a draft of our report, the U.S. Agency for International Development (USAID) generally agreed with our conclusions but did not agree with our recommendations. With respect to our recommendation that USAID establish an ombudsman to help ensure that its deployed civilians receive the compensation and medical benefits to which they are entitled, USAID officials pointed out that the agency already has an ombudsman to support its Critical Priority Countries, including Iraq and Afghanistan. According to USAID, this ombudsman, among other things, helps Foreign Service employees deployed to these countries with a variety of issues, including compensation and medical benefits. We contacted the individual who USAID identified as the ombudsman and asked for documentation related to this position and its origin and responsibilities. This official stated that the position was established in 2006 to assist deployed civilians in obtaining the compensation and medical benefits to which they are entitled, but this official did not provide any supporting documentation. In the absence of documentation, it is unclear to us how USAID's ombudsman ensures that deployed civilians receive the full compensation and benefits to which they are entitled. Accordingly, we continue to believe our recommendation has merit.

With respect to our recommendation to establish policies and procedures to accurately identify and track standardized information on deployed civilians, USAID commented that it believed its current systems to be adequate and additional policies and procedures to be unnecessary at this juncture. We disagree; for example, when asked to develop a list of

civilians the agency had deployed to Iraq and Afghanistan, USAID officials stated that they had no agencywide system that would provide this information. They relied in part on a manual search of personnel records. Furthermore, we note that USAID was unable to provide a list of civilians who had deployed for less than 180 days—in part because doing so would have been extremely labor intensive. As we have noted in this report and in prior work, agencies must be able to capture and subsequently retrieve location-specific information on employees, to identify possible exposures to environmental or industrial contaminants during deployment. Such information includes movement within theater and medical treatments while deployed. Without this capability, an agency may be unable to intervene promptly to address any future health problems that employees may develop as a result of deployment in support of contingency operations. USAID's current capability, which relies in part on manual searches and may require labor intensive efforts to retrieve this information, does not represent a system that meets the intent of our recommendation. Should any deployment-related medical concerns develop in the future, such a system may fail to identify all individuals who may be affected. As a result, we continue to believe that our recommendation is appropriate.

We are providing copies of this report to the Armed Services Committees and other interested Congressional parties. We are also sending copies to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness, as well as the Secretaries of Agriculture, Homeland Security, Labor, and State, the Attorney General of the United States, the Director of the Office of Personnel Management, and the Administrator of the United States Agency for International Development. This report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staffs have any questions about this report, please contact me at (202)512-3604 or by e-mail at farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to the report are listed in appendix X.

A handwritten signature in black ink that reads "Brenda S. Farrell". The signature is written in a cursive, flowing style.

Brenda S. Farrell
Director, Defense Capabilities and Management

Appendix I: Scope and Methodology

To determine the extent to which the compensation and medical benefits policies of federal agencies that deploy civilians to Iraq and Afghanistan are comparable, we reviewed statutory requirements and obtained and reviewed policies, regulations, and procedures from selected executive branch agencies. These agencies were chosen based on their civilian staffing levels in U.S. operations in Iraq and Afghanistan as of January 7, 2008, and included the Departments of Defense (DOD), State (DOS), Homeland Security (DHS), Agriculture (USDA), and Justice (DOJ), and the U.S. Agency for International Development (USAID). We conducted a comparative analysis of the agencies' policies to identify similarities and differences in the types of and manner in which deployed civilians are compensated and receive medical benefits from their employing agency. We interviewed officials in DOD—including representatives from Civilian Personnel Policy, Defense Finance and Accounting Services, the Army, and the Air Force—and the other five executive agencies in our review to obtain a more comprehensive understanding of their perspectives on and efforts to implement their respective agencies' compensation and medical benefits policies for deploying federal civilians. We also interviewed officials from the Office of Personnel Management (OPM) to obtain their perspectives on compensation for deployed civilians because of OPM's role in providing governmentwide personnel management guidance and regulations. Additionally, we examined relevant reports, testimonies, and studies, some of which included previous findings and recommendations related to the compensation of deployed federal civilians.

To determine the extent to which these agencies have issues—in policy or implementation—that may affect the compensation and medical benefits to which deployed civilians are entitled, we interviewed officials from DOD and the other five executive agencies in our review to discuss the agencies' practices and procedures for providing compensation and medical benefits to deployed civilians. We also obtained federal civilians' perspectives on their respective agencies' compensation and medical benefits practices prior to, during, and following deployment. To accomplish this, we administered a Web-based probability survey to a sample of federal civilians who had previously deployed to Iraq or Afghanistan. The results of this sample are generalizable to the population from which the sample was selected. We identified the population of deployed civilians by requesting each agency to provide a list of civilians who had deployed to Iraq or Afghanistan between January 1, 2006, and April 30, 2008. These lists were reviewed to ensure that contact information was complete and that the deployed civilians were deployed during the time period. Based on the lists provided by the agencies, we created 4 strata within that population that included (1)

deployed civilians who had filed a workers' compensation claim, (2) DOD civilians deployed for a period less than 180 days, (3) DOD civilians deployed for a period 180 days or longer, and (4) civilians from the other five selected agencies deployed for a period 180 days or longer. Because a deployed civilian can only be included in one stratum, all civilians that had filed a workers' compensation claim from January 1, 2006, to April 30, 2008, and were also on one of the lists of deployed civilians from the selected agencies were included in the strata for workers' compensation. As a result, responses from deployed civilians who filed workers' compensation claims are included in estimates for that stratum rather than the strata related to the civilian's agency. A probability sample was selected for the other three strata cited below. The overall weighted response rate for eligible respondents was 72 percent. Data obtained from the survey results have a 95 percent confidence interval and were weighted to reflect the deployed federal civilian population as of April 2008. Table 4 contains information on the population and sample sizes including response rates.

Table 4: Population and Sample Description

Strata	Sample size	Number of response	Response rate	Weighted population ^a
Workers' compensation claims ^b	41	28	68.3	39
DOD civilians deployed less than 180 days	88	67	76.1	1,261
DOD civilians deployed 180 days or longer	89	58	65.2	473
Civilians from other five agencies deployed for 180 days or longer	79	62	78.5	319
Total	297	215	72.4	2,092^c

Source: GAO analysis.

^aThe weighted population was computed based on the lists of deployed civilians provided by the agencies and responses we received to our invitation to participate in the survey that resulted in the respondent being considered outside the scope of the survey. Specifically, we received responses that indicated the person had never been deployed to Iraq or Afghanistan or that the person was not a civilian. We used these responses to estimate the total number of persons included in the lists of agency provided deployed civilians that would be outside our scope and adjusted the population size accordingly.

^bThe workers' compensation claims included in our sample represent those civilians who were included in the list of deployed civilians for the six agencies in our review and also had a claim file provided to GAO by the Department of Labor. For another segment of this review, we reviewed 188 workers' compensation claims provided by the Department of Labor.

^cWe are 95 percent confident that the actual population size is between 1,930 and 2,254.

Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have drawn. Since each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (e.g., plus or minus 7 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals in this report will include the true values in the study population.

In addition to the reported sampling errors, the practical difficulties of conducting any survey may introduce other types of errors, commonly referred to as nonsampling errors. For example, differences in how a particular question is interpreted, the sources of information available to respondents, or the types of people who do not respond can introduce unwanted variability into the survey results. We included steps in the development of the survey, the data collection, and the data analysis to minimize these nonsampling errors and help ensure the accuracy of the answers that were obtained. For example, a social science survey specialist designed the questionnaire, in collaboration with GAO staff with subject matter expertise. The survey asked a combination of questions that allowed for open-ended and close-ended responses. We pretested the content and format of the questionnaire. During the pretests, we asked questions to determine whether (1) the survey questions were clear, (2) the terms we used were precise, (3) the questionnaire did not place an undue burden on the respondents, and (4) the questions were unbiased. We received input on the survey and made changes to the content and format of the final questionnaire based on our pretest results.

The questionnaire was also reviewed by an independent GAO survey specialist. Data analysis was conducted by a GAO data analyst working directly with GAO staff with subject matter expertise. A second independent analyst checked all of the computer programs for accuracy.

The survey was conducted using self-administered electronic questionnaires posted on the Web. Since this was a Web-based survey, respondents entered their answers directly into electronic questionnaires. This eliminated the need to have data keyed into databases, thus removing an additional source of error.

We sent e-mail notifications to those civilians who were part of our sample on October 20, 2008. We then sent each potential respondent a unique password and user name by e-mail to ensure that only members of the

target population could participate in the appropriate survey, and we activated the survey on October 21, 2008. To encourage respondents to complete the questionnaire, we sent several e-mail messages to prompt each nonrespondent after the initial e-mail message. We closed the survey on December 31, 2008.

We also conducted small group discussions in Iraq with deployed federal civilians from DOD and State in December 2008 and January 2009 to obtain current perspectives of deployed civilians concerning issues associated with compensation and medical benefits during deployment. Twelve DOD and State employees responded to agency requests for volunteers to participate in these small group discussions. The results from these discussion groups are not generalizable.

To further understand medical benefit policies and how these policies have been implemented, we reviewed Department of Labor policies and guidance related to the Federal Employees' Compensation Act (FECA). We also interviewed appropriate Labor officials to discuss these policies, and we interviewed claims examiners to discuss how applications for workers' compensation are processed. In addition, we obtained and analyzed the universe of federal civilian claims filed with Labor under FECA between January 1, 2006, and April 30, 2008, for injuries sustained while working in Iraq or Afghanistan. Specifically, we assessed claim acceptance rates, the timeliness of claim adjudications, and tendencies within the claims process such as requests for additional information to identify potential procedural and processing issues. We also reviewed Labor's processes for training its employees to adjudicate FECA claims, to determine the level of training required to issue an injury claim decision on behalf of the agency. We assessed the reliability of Labor's data and determined that it was reliable for the purposes of our analysis.

To determine the extent to which federal agencies have established specific mechanisms to identify and track deployed civilians both during and following their deployments, we obtained and reviewed federal agency policies and procedures when available for tracking civilian employees who deploy to overseas locations. We also obtained lists of federal civilians who have traveled to Iraq or Afghanistan between January 1, 2006, and April 30, 2008, from the six executive branch agencies included in our review. Where agency lists were incomplete, we followed up with agency officials to obtain missing data. During these meetings, some agency officials could not vouch for the completeness of their lists of deployed civilians for various reasons, including a lack of agencywide oversight capability. We also examined relevant reports and studies that

included previous findings and recommendations related to the tracking of deployed federal civilians.

We conducted this performance audit from February 2008 through June 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comparative Analysis of Selected Key Compensation Policies

This appendix presents a comparison that summarizes key compensation and medical benefits for the agencies included in our review, based on our analysis of laws, regulations, policies, and information provided by agency officials. The tables below show that policies among these agencies are generally comparable, but that some differences do exist. Differences may be based on the underlying authority of the pay system of a given employee, or on how agencies are implementing those provisions with respect to civilians deployed in support of operations in Iraq and Afghanistan.

Table 5: Compensation - General

Category	Comparison
Salary	While deployed, civilians continue to earn the basic salary associated with their applicable pay systems. This salary includes locality pay for civilians normally entitled to it who are deployed in a "temporary duty" status. Locality pay applies to duty stations in the continental United States.
Pay limitations	<p>The premium pay cap places a ceiling on the amount of basic pay (salary plus locality pay or special rate) plus premium pay (overtime pay, Sunday pay, holiday pay, and night differential) that an employee can earn during a calendar year. The Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009 authorized agency heads to waive the premium pay cap for civilians serving in Iraq or Afghanistan up to \$227,300 for calendar year 2009. This waiver is similar to authorities granted to agency heads in NDAA's for previous years. According to State and DOD compensation summaries, they have exercised the authority to raise the premium pay cap and reflect the cap set for 2009. According to written responses from USDA, DOJ, and DHS^a, they follow the same guidance as State in implementing premium pay cap waivers.</p> <p>The annual aggregate pay limitation places a ceiling on the total amount of compensation a civilian employee can be paid during a calendar year. Prior to the NDAA for FY 2009, the aggregate limit was established under 5 U.S.C. § 5307 for employees in Iraq and Afghanistan. However, the NDAA for FY 2009 removed this limitation for any employee granted a waiver for premium pay cap. The extent to which agencies have implemented this guidance for FY 2009 is unclear.</p>
Danger pay	The State Foreign Affairs Manual (3 FAM 3270) and Iraq and Afghanistan Service Recognition Packages implement a "danger pay allowance" authorized by 5 U.S.C. § 5928. This allowance provides additional compensation for civilian employees serving in foreign areas, such as Iraq and Afghanistan, where conditions of civil insurrection, civil war, terrorism, or war exist and threaten physical harm or imminent danger to the health or well-being of the employee. According to DOD, USAID, and DOJ policy documents, they each provide the danger pay allowance authorized in 5 U.S.C. § 5928 and the FAM. According to written responses from USDA and DHS, they follow the same guidance as State in implementing this allowance.
Post hardship differential	The State Foreign Affairs Manual (3 FAM 3260) and Iraq and Afghanistan Service Recognition Packages implement a "post differential" authorized by 5 U.S.C. § 5925(a). This differential provides additional compensation to employees for service in foreign areas where environmental conditions differ substantially from environmental conditions in the United States and warrant additional compensation as a recruitment and retention incentive, such as Iraq and Afghanistan. According to DOD, USAID, and DOJ policy documents, they each provide the post hardship differential in 5 U.S.C. § 5925(a) and the FAM. According to written responses from USDA and DHS, they follow the same guidance as State in implementing this differential.

**Appendix II: Comparative Analysis of
Selected Key Compensation Policies**

Category	Comparison
Separate maintenance allowance	The State Foreign Affairs Manual (3 FAM 3210, 3230) and Iraq and Afghanistan Service Recognition Packages implement a “separate maintenance allowance” authorized by 5 U.S.C. § 5924(3). This allowance may be paid to employees required to maintain family members at locations, other than their overseas post, because of (a) dangerous, unhealthy, or excessively adverse living conditions; (b) for the convenience of the government; or (c) at the request of the employee because of special needs or hardships involving family members. The amount of the allowance is based on marital status and number of dependents living at a location other than the assigned post. This allowance is not paid to employees who serve in overseas locations on temporary duty orders; employees in travel status continue to receive the locality pay associated with their home duty station.
Language incentive	The State Iraq and Afghanistan Service Recognition Packages state that members of the Foreign Service assigned to or on TDY for more than 30 days to Iraq or Afghanistan who possess relevant language skills are eligible to receive language incentive pay in accordance with 3 FAM 3173. According to USAID officials, they follow the same guidance as State in implementing a language incentive. According to written responses, USDA non-Foreign Service employees are not eligible for language incentive while their Foreign Service officers would be subject to the same language incentive as State under the FAM. According to DOD officials, DOD may provide language incentive to General Schedule employees if a position has a language requirement, and may also offer a language incentive to National Security Personnel System employees as appropriate.
Death gratuity	<p>The State Foreign Affairs Manual (3 FAM 3650) describes several forms of death benefits potentially available in the case of death in the performance of duty. These benefits, as identified below, are also potentially available to civilian employees of USAID, USDA, DOJ, DHS, and DOD.</p> <p>1) Eligible dependents of employees whose death resulted from injuries sustained in the performance of duty may be entitled to monthly compensation under the Federal Employees’ Compensation Act (FECA). That entitlement may be limited if certain other retirement benefits are available or elected.</p> <p>2) When a member of the Foreign Service would be eligible for monthly compensation under FECA, section 413 of the Foreign Service Act also permits the payment of a death gratuity equal to 1 year of the employee’s salary at the time of death. Section 1603 of Public Law No. 109-234, as amended by section 1102 of Public Law No. 110-417, extended the discretion to provide this benefit to heads of agencies with individuals on official duty in combat zones during FY 2006-2011.</p> <p>3) Section 651 of the Omnibus Consolidated Appropriations Act for Fiscal Year 1997, Public Law No. 104-208, authorized agency heads to pay a death gratuity of up to \$10,000 to the personal representative of a deceased civilian employee whose death resulted from an injury sustained in the line of duty.</p> <p>In addition, 5 U.S.C. § 8102(a), enacted by the National Defense Authorization Act for Fiscal Year 2008, requires federal agencies to provide a death gratuity up to \$100,000 under FECA (minus other death gratuities paid out) for employees who die of injuries incurred in connection with the employee’s service with an Armed Force in a contingency operation, including, at the discretion of the Secretary concerned, retroactive payment for any such deaths occurring on or after October 7, 2001, in the theater of operations of Operation Enduring Freedom and Operation Iraqi Freedom.^b</p>
Life insurance	Federal employee group life insurance policies as authorized in 5 U.S.C. §§ 8701-8716 cover U.S. government personnel in combat zones, including Iraq and Afghanistan. Section 1103 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Public Law No. 110-417, allowed employees deployed in support of contingency operations to elect federal employee life insurance coverage within 60 days of being notified of deployment.

Source: GAO analysis.

^a DHS responses were exclusively provided by Customs and Border Protection because DHS officials could not provide a coordinated response from its subordinate agencies.

^b As of May 1, 2009, Department of Labor officials stated that Labor had not issued guidance related to this death gratuity.

**Appendix II: Comparative Analysis of
Selected Key Compensation Policies**

Table 6: Compensation – Premium Pay

Category	Comparison
Overtime	Overtime eligibility and rates for employees in Iraq and Afghanistan are, like those for all federal government employees, governed by the statutes and regulations establishing the specific pay system of the employee. The State Iraq and Afghanistan Recognition Packages specify different overtime or “special differential” payments for State Foreign Service officers to compensate for extended duty hours, based on their underlying pay system and grade. According to officials at USAID, they follow the same policy as State for Foreign Service officers. According to written responses, USDA Civil Service members and Foreign Service officers deployed to Iraq and Afghanistan are subject to the same overtime regulations. According to written responses, DOJ authorizes and grants overtime to nonattorney DOJ personnel, but not to DOJ attorneys. According to written responses from DHS, overtime cap waivers are in place for all Customs and Border Protection (CBP) personnel on TDY in Iraq. And the DOD Civilian Personnel Manual (DOD 1400.25-M) sets different overtime rates for eligible personnel depending on the employee’s pay system and level.
Holiday pay	Employees eligible to receive premium pay are generally entitled to receive holiday pay at 100 percent of the basic hourly pay rate minus danger pay or hardship differential—for actual hours worked—with a 2-hour minimum and 8-hour maximum. Holiday pay is authorized under 5 U.S.C. 5546. According to State and USAID policy under the FAM, and DOD policy under the Civilian Personnel Manual, they each provide holiday pay as authorized in 5 U.S.C. § 5546. According to written responses from USDA and DOJ, they follow the same guidance as State in implementing this allowance.
Night differential	Employees eligible to receive premium pay are generally entitled to receive a night pay differential paid at 10 percent of basic pay plus premium pay for work between 6 p.m. and 6 a.m. if part of the regularly scheduled work week or as a result of a temporary assignment to a different work schedule, in addition to overtime. Night differential pay is authorized under 5 U.S.C. 5545. According to State and USAID policy under the FAM, and DOD policy under the Civilian Personnel Manual, they each provide night differential as authorized in 5 U.S.C. § 5545. According to written responses, USDA follows the same guidance as State in implementing this allowance.

Source: GAO analysis.

**Appendix II: Comparative Analysis of
Selected Key Compensation Policies**

Table 7: Medical Benefits

Category	Comparison
Urgent care in theater	DOD policy provides emergency care to all federal civilians in Iraq or Afghanistan.
Routine care in theater	DOD policy is to provide routine care to all federal civilians in Iraq, subject to availability. State operates health units in both Iraq and Afghanistan to provide routine care to all federal civilians serving under Chief of Mission authority.
Care following deployment	All federal civilians are, under FECA and in accordance with DOD policy, entitled to no-cost follow-up care at military treatment facilities (MTFs) for injuries and illnesses sustained while deployed to Iraq or Afghanistan, at the same level and scope provided to military personnel, when they have (1) an approved FECA claim, or (2) authorization from the Under Secretary of Defense (Personnel and Readiness). Civilians with approved FECA claims may also seek care at private sector medical providers. DOD civilians whose claims are not approved under FECA are entitled to treatment in military facilities, and employees of other agencies may be authorized for treatment in some instances, but treatment in such instances is billed to the employee and their insurance.
Workers' compensation	Employees who are injured or fall ill while deployed to Iraq or Afghanistan can apply for benefits under FECA. These benefits may include disability payments, rehabilitation, and reimbursement of medical expenses. FECA benefits must be approved by the Department of Labor.

Source: GAO analysis.

Table 8: Compensation – Breaks and Leaves

Category	Comparison
Rest and recuperation (R&R) breaks	R&R breaks generally provide travel benefits to employees from their assigned post to the United States, or to other designated locations abroad. State policy under the FAM (3 FAM 3720), as implemented in the Iraq and Afghanistan Service Recognition Packages, provides options for up to three R&R breaks that employees can select depending on the duration of their assignment. USAID officials stated that they follow State guidance. According to written responses, USDA Foreign Service officers receive the same benefits as State, but their civil service provincial reconstruction team (PRT) advisors do not. According to written responses, DOJ provides up to two R&R options for a 1-year tour, to either London or the United States. And according to DOD policy, DOD provides 3 R&R breaks for a 1-year tour, or one for a 6-month tour.
Regional rest breaks (RRB)	RRBs generally provide certain short-duration travel benefits to employees within the region of their assigned post. State policy described in the Iraq and Afghanistan Service Recognition Packages provides up to three RRBs, depending on the duration of assignment and employee options for R&R breaks. USAID officials stated that they follow State guidance. According to written responses, USDA Foreign Service officers receive the same benefits as State, but their civil service PRT advisors do not. According to written responses, DOJ provides up to three RRBs for a 1-year tour, depending on employee options for R&R. And DOD officials stated that they do not offer RRBs.
Administrative leave	Under State policy as described in the Iraq Service Recognition Package, discretionary administrative leave is authorized up to 20 days a year for use during R&R and RRBs, depending on the duration of assignment. The State Afghanistan Recognition Package does not permit administrative leave for R&R travel, but permits 5 days per RRB. USAID officials stated that they follow State guidance. According to Army policy, all DOD civilians are eligible for up to 20 days of R&R for a 1-year tour or up to 10 days for a 6-month tour. According to written responses, USDA follows the same guidance as State in implementing this benefit. According to written responses, DOJ provides up to 20 days a year for use during R&R or RRBs. According to written responses, DHS employees receive 40 hours upon return to the United States, as well as a 40-hour time off award usable within 1 year.

**Appendix II: Comparative Analysis of
Selected Key Compensation Policies**

Category	Comparison
Home leave/transition leave	Home leave is generally provided to employees who have served abroad for an extended period and who expect to return to service abroad. Transition leave is generally provided to employees who have served abroad for an extended period and who do not expect to return to service abroad. State policy under the FAM (3 FAM 3430 and 3 FAM 3464.3), and the Iraq and Afghanistan Service Recognition Packages, may require either home leave or up to 10 days of transition leave, depending on the duration of service abroad, whether the employee is Foreign Service or civil service, and the expected follow-on assignment. USAID officials stated that they follow State guidance. According to written responses, USDA Foreign Service officers receive the same benefits as State, but their civil service PRT advisors do not. According to written responses, DOJ employees stationed overseas earn 15 days of home leave after a 1-year tour if they agree to another tour in Iraq or Afghanistan, and DHS employees do not receive home leave. And according to DOD policy, 15 days of home leave are granted upon completion of a 1-year tour if the employee is expected to return to service abroad.
Restoration of annual leave	State policy implemented by the Iraq and Afghanistan Service Recognition Packages requires, upon application by an employee, the restoration of annual leave forfeited because of service in Iraq or Afghanistan for more than 30 days during a leave year. According to written responses, USDA follows State guidance and USAID officials stated that they follow State guidance. According to written responses, DOJ employees are entitled to an increased annual leave ceiling if they are on a permanent change of station to Iraq or Afghanistan, and simplified leave-restoration procedures regardless of overseas status. And DOD officials stated that they follow OPM guidance for leave restoration.

Source: GAO analysis.

Appendix III: Demographic Information and Selected Survey Responses

This appendix contains demographic data and responses to selected questions from our survey. This information is intended to provide additional context regarding the population and perspectives of deployed civilians on various issues that supplements the information discussed in the body of this report. The survey conducted by GAO is generalizable to the total population of deployed civilians in Iraq and Afghanistan between January 1, 2006, and April 30, 2008. Specifically, table 9 contains demographic information on the agencies, gender, age, years of service, and pay systems covered in our survey.

Table 9: Demographic Information

Category	Percent
1. Employing agency (n = 211) ^a	
Department of Defense	78.44
State Department	9.27
Department of Justice	2.50
U.S. Agency for International Development	1.75
Department of Homeland Security	1.63
Department of Agriculture	.25
Other ^b	6.16
2. Gender (n = 214)	
Male	86.72
Female	13.28
3. Age (n = 214) ^c	
Less than 30 years of age	4.78
30 to 39	14.40
40 to 49	35.12
50 to 59	36.85
60 years or older	8.78
4. Years of Service (n = 214) ^c	
Less than 5	25.68
5 to 9	23.97
10 to 14	8.84
15 to 19	11.47
20 or more	29.98
5. Pay systems (n = 212)	
General Schedule	70.19
Foreign Service Schedule	11.25

Appendix III: Demographic Information and Selected Survey Responses

Category	Percent
National Security Personnel System	6.86
Wage Grade	6.39
Other ^d	5.30

Source: GAO analysis.

^aFor the tables presented in this appendix, “n” represents the number of survey respondents that answered the associated question. These numbers vary due to skip patterns contained in the survey and respondents choosing not to answer a given question.

^bThe 12 “other” agency responses consisted of 11 individuals who worked for various DOD entities and 1 individual who answered that she did not work for any agency.

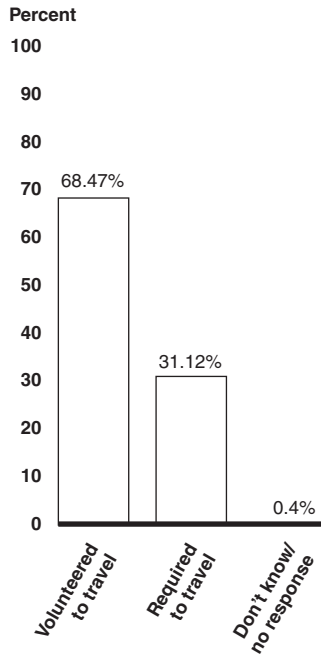
^c.07 percent of respondents were in the category “Don’t know/No Response” to this question.

^dThe 13 “other” pay system responses, 4 were from the Department of Justice and the other 7 were from DOD.

Volunteerism

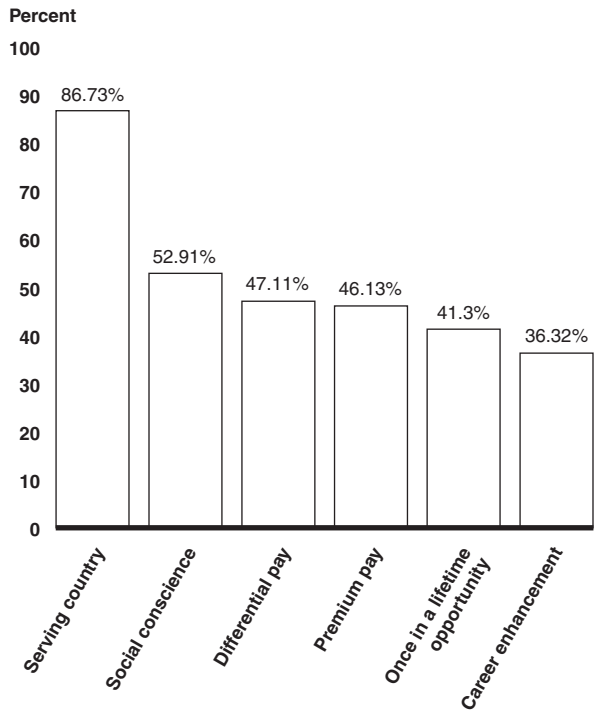
Our survey asked several questions related to the factors that influenced civilians’ decision to serve in Iraq or Afghanistan. As shown in figure 1 nearly 69 percent of civilians volunteered to serve while approximately 31 percent served because deployment was a condition required of their current position. Figure 2 demonstrates that the opportunity to serve their country was the factor that was most influential when civilians were considering whether to serve in Iraq or Afghanistan. Also, as noted in figure 3, the overwhelming majority of civilians would either consider serving again or would most likely serve again in Iraq or Afghanistan.

Figure 1: Did “You” Volunteer for Duty in Iraq or Afghanistan or Were You Required to Travel to that Country as a Condition of Your Employment? (n = 211)



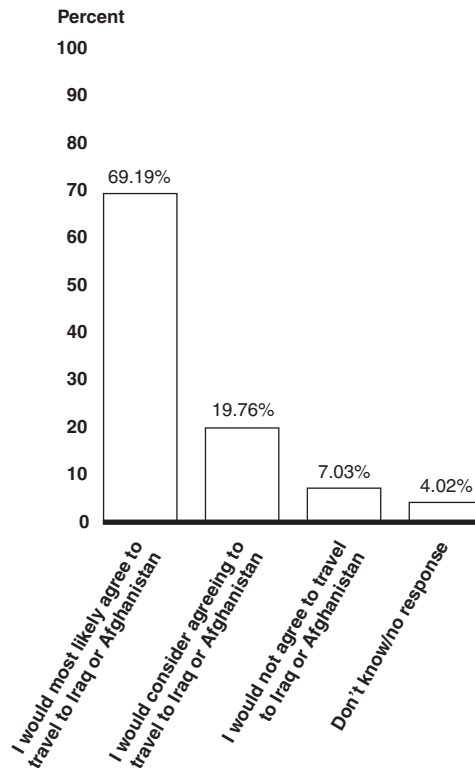
Source: GAO analysis.

Figure 2: Factors That Greatly or Moderately Influenced Civilians' Decision to Serve in Iraq or Afghanistan (n = 211)



Source: GAO analysis.

Figure 3: If Given the Opportunity, Would “You” Agree to Return to Iraq or Afghanistan on Official Government Business? (n = 214)

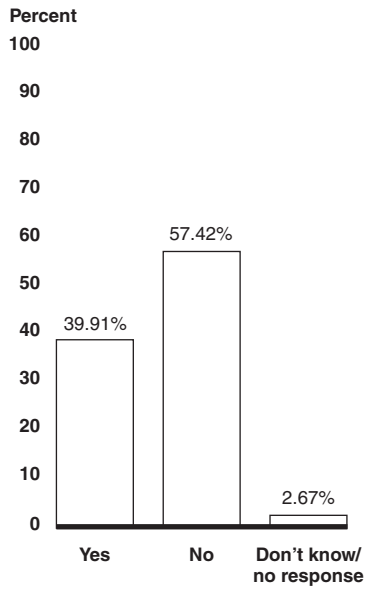


Source: GAO analysis.

Medical Care During Deployment

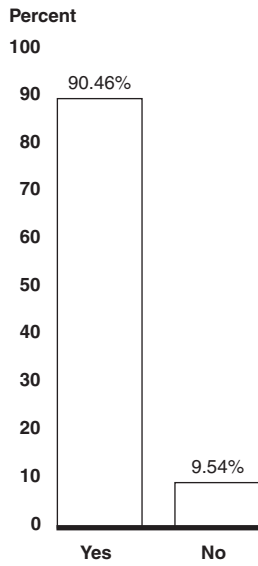
While in Iraq or Afghanistan, deployed civilians are often exposed to some of the same risks as our military personnel. As demonstrated in figure 4, GAO estimates that approximately 40 percent of civilians deployed to Iraq or Afghanistan in our timeframe experienced a medical issue during their most recent deployment. Approximately 90 percent of these individuals sought treatment for these issues as shown in figure 5. Finally, as seen in figure 6, the majority of deployed civilians (78 percent) had no problems with the care they received in theater. However, the most common problem deployed civilians said they encountered when receiving care in theater was their inability to get prescriptions filled.

Figure 4: Did “You” Experience Any Medical Issues (Disease, Illness, or Injury) during Your Most Recent Official Trip to Either Iraq or Afghanistan? (n = 214)



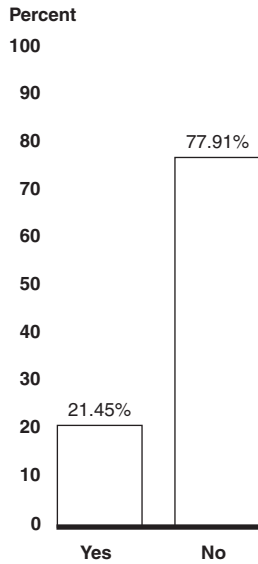
Source: GAO analysis.

Figure 5: Did “You” Seek Treatment for These Medical Issues during Your Most Recent Official Trip? (n = 108)



Source: GAO analysis.

Figure 6: Did “You” Experience Any Problems with Medical Care during Your Most Recent Travel to Iraq or Afghanistan? (n = 105)^a



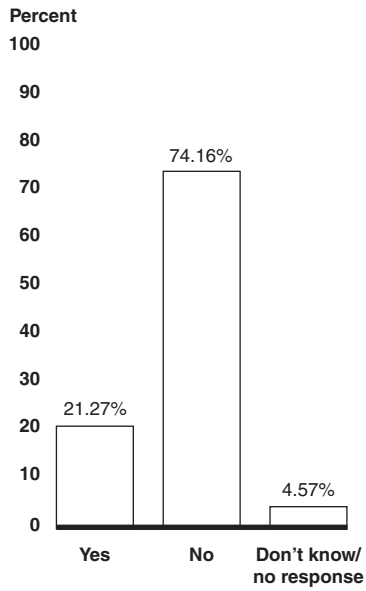
Source: GAO analysis.

^a.65 percent of respondents were in the category “Don’t know/No Response” to this question.

Medical Care Following Deployment

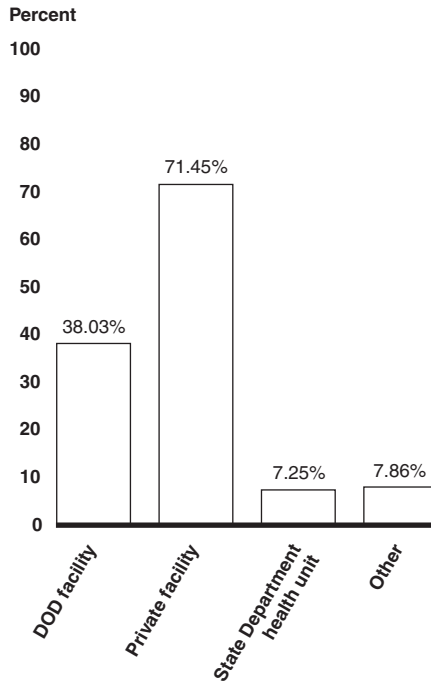
Following deployment to Iraq or Afghanistan, as seen in figure 7, GAO estimates that about one in five civilians sought medical or dental care for issues related to their travel. Most of these civilians sought follow-up care at a private health care provider, as shown in figure 8.

Figure 7: Upon Leaving Iraq or Afghanistan, Did “You” Seek Follow-up Care for Any Medical or Dental Issues Related to Your Travel? (n = 209)



Source: GAO analysis.

Figure 8: Type of Facility at which Civilians Sought Care Following Deployment (n =60)

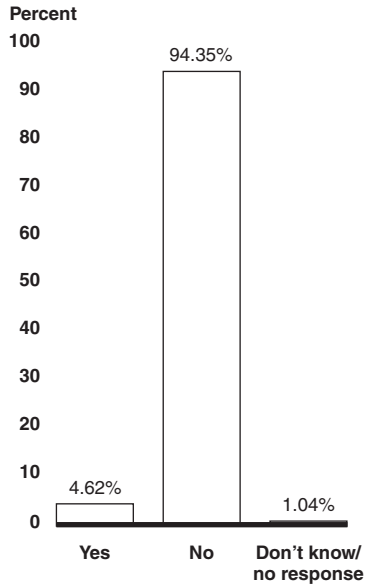


Source: GAO analysis.

Workers' Compensation

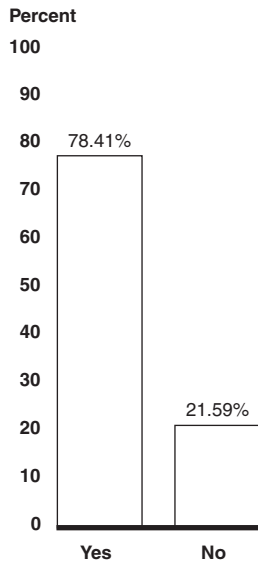
GAO estimates that approximately 5 percent of deployed civilians experience injuries or illnesses while deployed to Iraq or Afghanistan that resulted in the employee deciding to file a workers' compensation claim, as shown in figure 9. While workers' compensation claims are not filed frequently, approximately 78 percent of deployed civilians that file a claim experienced problems with the claims process as shown in figure 10.

Figure 9: Did “You” File a Workers’ Compensation Claim under the Federal Employees’ Compensation Act (FECA) for Any Medical Issues You Experienced while in Iraq or Afghanistan? (n = 212)



Source: GAO analysis.

Figure 10: Did “You” Experience Any Problems with the Claims Process? (n = 32)



Source: GAO analysis.

Appendix IV: Comments from the Office of Personnel Management



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

June 12, 2009

Ms. Brenda S. Farrell
Director, Defense Capabilities
and Management
U.S. Government Accountability Office
Washington, DC 20548

Dear Ms. Farrell:

Thank you for the opportunity to respond to the United States Government Accountability Office's (GAO's) draft report entitled *HUMAN CAPITAL: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians* (GAO-09-562). In the report, GAO compares the policies of agencies and identifies issues regarding the compensation, medical benefits, and identification and tracking of civilian employees deployed to Iraq, Afghanistan, and other war zones.

As the Director of the U.S. Office of Personnel Management (OPM), I believe that it is vital for Federal agencies to provide civilian employees working in Iraq, Afghanistan, and other war zones fair and accurate compensation and top-quality medical benefits to which they are entitled. In addition, agencies need to be able to track and identify deployed civilian employees to help ensure such compensation and benefits can be delivered on a timely basis. Deployed civilian employees are essential to the Federal Government meeting its mission requirements and the pay and benefits employees receive must reflect of the valuable services they provide.

I also agree that it is generally desirable for deployed civilian employees to receive consistent compensation and benefits. While some differences in compensation and benefits may be appropriate because of variations in the type and level of work performed, geographic location, and statutory entitlements, there may be room for improvements. Any differences in compensation and benefits attributable to agencies not providing the full range of benefits, not applying available flexibilities correctly, or not providing pay entitlements in a timely matter must be resolved.

To that end, OPM has already taken a number of steps to address inappropriate disparities or inconsistencies in the treatment of deployed civilian employees—

- In 2008, OPM staff participated in more than 10 meetings with staff from the Departments of Defense and State and other agencies to share information on the compensation and benefits available to civilian employees deployed to combat zones and other overseas locations.
- On June 10, 2008, OPM issued a memorandum to agency Chief Human Capital Officers strongly urging Federal agencies to become informed of and take full advantage of the

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**Appendix IV: Comments from the Office of
Personnel Management**

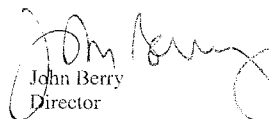
various compensation authorities available to civilian employees working in combat zones.

- On September 22, 2008, OPM sent a letter to the Committees on Armed Services in the U.S. House of Representatives and the U.S. Senate providing OPM's position on certain provisions in H.R. 5658 and S. 3001, the National Defense Authorization Act for Fiscal Year 2009. This letter expressed OPM's support for providing appropriate benefits to employees in combat zones and the extension of existing temporary authorities and noted that OPM was working with the Departments of Defense, State, Treasury, and others to develop possible alternatives to ensure equity and consistency across Federal agencies.

While I recognize that additional work may be needed, I want to report the actions OPM has already taken. The compensation and benefit entitlements for deployed civilian employees are managed by several different Federal agencies with different mission and workforce requirements. Any effort to change or enhance the compensation and benefits for overseas employees must be carefully coordinated to ensure all employees are treated fairly and equitably. I concur with the intent of GAO's recommendation for OPM to work with agencies to develop legislative recommendations for deployed civilians. We have already laid the ground work for meeting this goal. I believe the best way to move forward is through our ongoing efforts of working with the Departments of Defense and State, which have most of the deployed employees, and other agencies to develop any permanent solutions needed to support all deployed civilian employees.

OPM staff has prepared the attached comments in response to your draft report. I look forward to working with GAO and other Federal agencies to meet the challenges of ensuring civilians deployed to Iraq, Afghanistan, and other war zones receive appropriate compensation and benefits. We appreciate the opportunity to respond to your report.

Sincerely,


John Berry
Director

Enclosure

Enclosure

OPM'S COMMENTS ON GAO DRAFT REPORT (GAO-09-562)

Variations in Compensation—Employee's Pay System

- GAO's report states that while compensation policies are generally comparable, variations in the policies may result in employees receiving different amounts of compensation depending on the agency's pay system. The report acknowledges that the statutes and policies for some of these pay systems were established long before the current operations in Iraq and Afghanistan and variations between pay systems generally exist regardless of whether the civilian is working in a combat zone. (page 14)

Comments: Many of the differences in compensation and benefits among agencies are attributable to the existence of independent pay authorities authorized by Congress. Some differences between pay systems may be appropriate because of variations in the type and level of work performed, geographic location, and statutory entitlements. However, any differences in compensation and benefits attributable to agencies not providing the full range of benefits, not applying available flexibilities correctly, or not providing pay entitlements in a timely matter must be resolved.

- GAO's report states that the unique working conditions employees may encounter in Iraq and Afghanistan can create an environment that increases the visibility of differences between pay systems. The report provides an example of differences between the overtime pay entitlements for a GS-12, step 1, employee and an employee paid equivalent to GS-12, step 1, under the Department of Defense (DOD) National Security Personnel System (NSPS), with the NSPS employee having a higher hourly overtime rate. The report also states that some deployed civilians, such as members of the Senior Executive Service (SES), are not entitled to premium pay, though they may work extended hours. (pages 14-16)

Comments: OPM is aware of differences in premium pay entitlements between categories of civilian employees. Such employees may have differing rates of basic pay and, thus, the premium pay entitlements that are computed using those rates will vary. In many cases, these differences are appropriate because of variations in the type and level of work performed, geographic location, and statutory entitlements. Even within the General Schedule (GS) system, employees receive differing rates of basic pay based on the grade and step level the employee holds. As another example, SES members are statutorily prohibited from receiving overtime pay and other forms of premium pay, which makes their compensation package similar to private sector executives who do not generally receive overtime pay.

OPM is very aware that civilian employees deployed to combat zones often work many hours beyond what is normally required and that the standard limitations on premium pay for such employees is not appropriate. OPM has urged all agencies to implement the current authority in the National Defense Authorization Act for FY 2009 (Public Law 110-417, October 14, 2008), which provides discretionary authority for calendar year 2009 to establish a higher

annual premium pay cap (linked to the Vice President's salary) and provides an exemption from the aggregate limitation on pay for employees working in Iraq, Afghanistan, and other combat zone areas. OPM is also available to assist DOD and State as they continue work on their FY 2010 authorization acts to ensure that Governmentwide compensation provisions related to employees working combat zones are provided on a temporary basis. However, we believe permanent legislation to waive the premium pay limitations up to the annual rate payable to the Vice President and to exempt the aggregate limitation on pay for civilian employees deployed to combat zones should be the preferred long-term approach.

Variations in Compensation—Employee's Deployment Status

- GAO's report states that deployed civilians may receive different compensation based on their deployment status because agencies have some discretion on whether to handle deployments as a temporary duty assignment or as an official change of station. If deployed in a temporary duty travel status, employees continue to receive the locality pay rate associated with their permanent official worksite. If deployed as a change of station assignment, the employee would be paid the rate of basic pay associated with the overseas geographic area, which will not include locality pay, but may include a separate maintenance allowance. Thus, two GS-12, step 1, employees may be paid differently depending on whether the deployment is handed as a temporary duty assignment or a permanent duty station change. (pages 16-18)

Comments: The determination of whether to process employee deployments to Iraq, Afghanistan, or other combat zones as a temporary duty assignment or a permanent change of station is an agency determination that depends on the length and reason for the deployment and other factors. However, OPM understands the concerns about the loss of locality pay associated with a permanent change of station. This is a concern not only for civilian employees deployed to combat zones, but also for Federal employees stationed in other overseas locations.

OPM Legislative Recommendations for Deployed Civilians

- The GAO report states that while OPM issued a memorandum to agencies urging them to make every effort to eliminate disparities and inconsistencies in compensation for employees working in combat zones, it did not provide a comprehensive package for deployed civilians, address variations in policy, or contain any legislative recommendations. The report states that OPM participated in meetings with DOD on compensation issues for deployed civilian employees, but no legislative changes were submitted. (page 19)

Comments: As stated in our cover letter, OPM staff participated in more than 10 meetings with staff from DOD, the Department of State, and other agencies to share information on the compensation and benefits available to civilian employees deployed to combat zones and other overseas locations. In addition, on September 22, 2008, OPM sent a letter to the Committees on Armed Services in the U.S. House of Representatives and the U.S. Senate providing OPM's position on certain provisions in H.R. 5658 and S. 3001, the National Defense Authorization Act for Fiscal Year 2009. This letter expressed OPM's support for

providing appropriate benefits to employees in combat zones and the extension of existing temporary authorities and noted that OPM was working with the Departments of Defense, State, Treasury, and others to develop possible alternatives to ensure equity and consistency across Federal agencies.

We have consistently supported DOD and State in their legislative efforts to enhance the compensation and benefits for employees working in combat zones. OPM will continue to work with these and other affected agencies, as necessary, to determine the need for a comprehensive compensation and benefits package for all deployed civilians.

Recommendations for OPM Action

- The GAO report makes the following recommendation for OPM: To help ensure that civilians deployed in support of operations in Iraq and Afghanistan or future contingencies receive comparable compensation and benefits, regardless of deploying agency, we are recommending that the Director of OPM develop and oversee an executive agency working group to review existing compensation and to develop an action plan or make legislative recommendations if necessary and appropriate to address differences, such as overtime and locality pay, in compensation provided to civilians deployed to Iraq or Afghanistan. (page 34)

Comments: We concur with the intent of GAO's recommendation for OPM to work with agencies to develop legislative recommendations for deployed civilians. We have already laid the ground work for meeting this goal by participating in DOD's interagency meetings last year. We are using what we learned at those meetings to work with DOD, State, and other agencies to develop any necessary permanent legislative solutions in support of all deployed civilian employees.

We do not fully agree with the stated premise that all employees should receive "comparable" compensation and benefits. As previously discussed, variations between different compensation and benefits may be appropriate because of variations in the type and level of work performed, geographic location, and statutory entitlements. In particular, compensation entitlements may not be comparable unless all employees are under one pay system, which is an issue that goes beyond the treatment of deployed civilians in combat zones. In addition, the recommendation should be clarified as to whether it applies to employees deployed to Iraq, Afghanistan, and future contingencies or only Iraq and Afghanistan. As currently drafted, the recommendation is not consistent in that regard.

We propose that the recommendation be revised to state "To help ensure that civilians deployed in support of operations in Iraq and Afghanistan or future contingencies receive comparable compensation and benefits when appropriate, regardless of deploying agency, we are recommending that the Director of OPM work with executive agencies to make legislative recommendations if necessary to address differences in compensation and benefits provided to deployed civilian employees.

Appendix V: Comments from the Department of Department of Labor

U.S. Department of Labor



June 11, 2009

Brenda S. Farrell
Director, Defense Capabilities
And Management
U.S. Government Accountability Office
Washington, D.C. 20548

Dear Ms. Farrell:

Thank you for the opportunity to comment on the GAO audit report entitled *Human Capital: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians* (GAO-09-562). The study reviewed the Division of Federal Employees' Compensation (DFEC) claims process for civilians injured in war zones and resulted in two recommendations to the Secretary of Labor. I would like to provide our comments on these recommendations.

GAO recommended that we revise the application materials for Federal Employees' Compensation Act claims to make clear what documentation applicants must submit with their claims. Comments in the body of the report indicate that this recommendation is specifically addressing the medical evidence that claimants must provide to establish a compensable injury.

The CA-1, "Federal Employees' Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," is the standard form used to initiate a claim for traumatic injury in every instance that a federal civilian employee sustains an injury while in the performance of federal duty. In FY 2008, DFEC received over 105,000 traumatic injury claims. The nature of the injuries claimed varied from very simple, obvious injuries to catastrophic events. The nature of the injury claimed by the federal employee impacts the type and amount of evidence requested by DFEC. For instance, if an employee experiences an obvious injury such as a laceration on work equipment, usually a diagnosis and a physician's signature are sufficient to accept the claim. However, when a claim that a traumatic event caused a serious medical condition such as myocardial infarction is received, much more detailed evidence is required. For example, the physician's analysis of the pre-existing medical history and other possible causative factors need to be included. The wide array of injuries that are claimed will limit the precision of directions that we can provide as to the documentation needed to establish a claim. We do not want to routinely require detailed narrative medical reports in every instance when it may be unnecessary to incur this burden and expense in order to approve the claim.

Admittedly, our program is structured to serve the vast majority of our claims that are generated by civilians serving stateside and outside the war zones. Our district offices provide employing agencies' compensation specialists with training to assist injured workers in obtaining appropriate information to establish their claims. We provide informational brochures and on-line procedures to aid claimants through the claims adjudication process. Our district offices maintain phone banks to respond to general questions, and our Branch of Technical Assistance provides guidance and training to employers, unions and individual claimants.


We do recognize that many of these services may not be available to federal civilians who are injured in the war zones. Therefore, we agree to review the instructions that accompany the CA-1 form to determine whether further guidance can be included with respect to the medical information that should be submitted to establish the claim.

The second recommendation was for the Secretary to set a clear timeframe for issuing implementing guidance concerning the death gratuity granted by section 1105 of the National Defense Authorization Act for Fiscal Year 2008, Public Law Number 110-181. As noted in the GAO report, an Interim Final Rule is pending review before the Office of Management and Budget (OMB).

Once OMB approves the regulations, DFEC will move promptly toward full implementation. We have already contacted all of the agencies with civilians serving in the war zones and strongly encouraged them to obtain beneficiary designation forms from all employees prior to deployment overseas. We have also posted information about the death gratuity and beneficiary designations on the DOL Website at <http://www.dol.gov/esa/owcp/dfec/DeathGratuity.htm>. We have designed claim forms to be used to claim this benefit by survivors. We have centralized our overseas claims in our Cleveland office and have closely tracked death claims where there may be entitlement to this benefit. As noted in this report, we have already processed payment in one claim where the entitlement was obvious regardless of the details in the final implementing regulations.

Again, we appreciate the opportunity to review and comment on the report.

Sincerely,


SHELBY HALLMARK
Acting Assistant Secretary
Employment Standards Administration

Appendix VI: Comments from the Department of Defense



OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000


JUN 12 2009

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms Farrell:

This is the Department of Defense response to the GAO draft report, GAO-09-562, "HUMAN CAPITAL: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians", dated May 22, 2009 (GAO Code 351166). Specific comments are provided at the enclosure.

Sincerely,


Marilee Fitzgerald
Acting Deputy Under Secretary of Defense
Civilian Personnel Policy

Enclosure:
As stated



GAO DRAFT REPORT – DATED MAY 22, 2009
GAO CODE 351166/GAO-09-562

"HUMAN CAPITAL: Actions Needed to Better Track and Provide Timely and
Accurate Compensation and Medical Benefits to Deployed Federal Civilians"

DEPARTMENT OF DEFENSE COMMENTS
TO THE RECOMMENDATION

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense direct the Under Secretary for Personnel and Readiness establish an ombudsman program to help ensure that deployed civilians obtain accurate information and receive such compensation and medical benefits in a timely manner.

DOD RESPONSE: Concur. Beginning October 2008, the Department established the Civilian Expeditionary Workforce (CEW) Readiness Unit for the central management, coordination, and execution of civilian expeditionary requirements. The CEW Readiness unit is part of the Department of Defense Civilian Personnel Management Service (CPMS). As part of the CEW Readiness unit responsibilities involve managing the DoD ombudsman services to ensure that deploying civilians receive the necessary support and guidance before, during, and after their deployment. Deploying civilians are provided a "case manager" in the CEW Readiness unit who, in coordination with Component representatives, provides service and assistance. Further, the Department established a civilian human resource office/capability in Iraq and Afghanistan to serve deployed civilians in a "just-in-time" manner. In-theater human resources representatives, in coordination with the CEW Readiness unit provide assistance on matters related to compensation, benefits, and entitlements. The Iraq capability is fully established. In Afghanistan, the senior Human Resources Advisor will be deploying shortly. In the interim, two DFAS civilian pay liaisons are assisting deployed civilians in coordination with the CEW Readiness unit. The Deputy Under Secretary of Defense for Civilian Personnel Policy has made two on-site visits to Iraq to ensure needed capabilities are provided to deployed civilians and commanders. The Acting Deputy Under Secretary of Defense for Civilian Personnel Policy is planning a September visit to Afghanistan to perform a similar on-site visit.

RECOMMENDATION 2: The GAO recommends that the Secretary of Defense direct the Under Secretary for Personnel and Readiness to clarify guidance governing the availability of medical care at military treatment facilities for federal civilians following deployment and formally advise non-DOD agencies that deploy civilians of the circumstances under which care will be provided.

DOD RESPONSE: Concur. The current DoD policy regarding medical care of Federal civilians in DoD Medical Treatment Facilities (MTFs) is contained in policy memoranda and regulations. The Department has provided this guidance to Federal Agencies, including through an interagency working group chaired by the Principal Director, Office of the Deputy Under Secretary of Defense for Civilian Personnel Policy in 2008.

However, the Department recognizes that such information is not well known or easily understood. The Department is developing an on-line curriculum which will address these policies more simply and clearly for DoD and non DoD Federal civilians and their family members. The Department expects the curriculum to be completed and available by the end of September 2009.

The current DoD policy states that Federal civilian employees who require emergency treatment for illness, disease, injuries, or wounds sustained while forward deployed in support of U.S. military forces engaged in hostilities in Iraq or Afghanistan, are eligible for medical evacuation, and healthcare treatment and services in a military treatment facility (MTF), with the understanding that the MTF may seek reimbursement. The Under Secretary of Defense (Personnel and Readiness) under compelling circumstances is authorized to approve additional care in MTFs on a case by case basis.

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense direct the Under Secretary for Personnel and Readiness to establish standard procedures to ensure that returning civilians complete the required post deployment medical screenings.

DOD RESPONSE: Concur. The Department has already developed a policy (DoD Directive and DoD Instructions) providing standard procedures for pre- and post-deployment health assessments. The current post-deployment health assessment process requires the completion of medical screening for those returning from a deployment. Following deployment, a Post-Deployment Health Assessment Form (DD Form 2796) is completed and a face-to-face interview with a credentialed health care provider is conducted. The provider reviews the pre-deployment DD Form 2795 as part of the post-deployment health assessment process to note and compare pre-deployment health concerns and conditions with the employee's post-deployment health status. Data from these health assessments are now processed electronically through the Armed Forces Health Surveillance Center (AFHSC) for both military and DoD civilian personnel. Further, the Department is developing new procedures which will permit DoD agencies (e.g., DTRA, MDA) to use the automated systems of the Military Department for the recording and processing of these health assessments when a Military Treatment Facility is used for the assessments. When completed, this will close the remaining gap in the collection and assessment of health information for DoD civilian personnel through the AFHSC. Data from the AFHSC will be used to report compliance of both military and DoD civilians with the required health assessments. This will close another gap and vastly improve the ability of the Department to monitor and ensure compliance with the policies. A working group co chaired by the Deputy Under Secretary of Defense for Civilian Personnel Policy and the Assistant Secretary of Defense for Health Affairs meets monthly to review issues specifically related to health care of deployed personnel. They have identified and resolved several critical issues related to the medical care of personnel.

RECOMMENDATION 4: The GAO recommends that the Secretary of Defense direct the Under Secretary for Personnel and Readiness to establish mechanisms to ensure that the Department's policies to identify and track deployed civilians are implemented.

DOD RESPONSE: Concur. The Under Secretary of Defense for Personnel and Readiness is working on improving the automated system of accounting for deployed civilian personnel. The Defense Manpower Data Center has established a tracking and identification mechanism utilizing two different military identification systems: the Deployed Theater Accountability System (DTAS) and Deliberate Crisis Action Planning and Execution Segment (DCAPES). These systems will be used to develop a file to account for civilian deployments. We anticipate the completion date for this file to be September 2009.

Appendix VII: Comments from the Department of State



United States Department of State

Washington, D.C. 20520

JUN 15 2009

Ms. Jacquelyn Williams-Bridgers
Managing Director
International Affairs and Trade
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548-0001

Dear Ms. Williams-Bridgers:

We appreciate the opportunity to review your draft report, "HUMAN CAPITAL: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians," GAO Job Code 351166.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Jeff Bourmes, Policy Analyst, Bureau of Human Resources at (202) 647-2665.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Millette".

James L. Millette

cc: GAO – Marion Gatling
DGHR – Harry K. Thomas
State/OIG – Mark Duda

Department of State Comments on GAO Draft Report

HUMAN CAPITAL: Actions Needed to Better Track and Provide Timely and
Accurate Compensation and Medical Benefits to Deployed Federal Civilians
(GAO-09-562, GAO Code 351166)

The Department of State appreciates the opportunity to review the Government Accountability Office (GAO) draft report titled, "Human Capital: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians."

Recommendation 1: Develop post-deployment medical screening requirements for civilians deployed under the purview of the Department of State.

The Department of State concurs with GAO's recommendation to implement mandatory medical clearance exams for civilian employees upon completion of their assignment in a combat zone. The Department's Medical Bureau will work with the Bureau of Human Resources to implement this requirement beginning in 2010.

Recommendation 2: Establish ombudsman programs and, for agencies deploying small numbers of civilians, focal points with human capital expertise to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled.

The Department of State supports GAO's recommendation to designate a formal ombudsman to replace our more informal existing mechanisms to ensure that our deployed employees receive the compensation and medical benefits to which they are entitled.

Recommendation 3: Establish policies and procedures to accurately identify and track standardized information on deployed civilians, such as location specific movements in theater, for any future medical issues related to their deployment.

The Department of State believes that GAO's recommendation to gather information on the location of deployed civilians is valid but, considering the difficulty that DOD has had with similar efforts in the past, believes that implementation may prove difficult. That said, we will coordinate and consult with DOD and other agencies to determine the best way to fulfill this recommendation.

Appendix VIII: Comments from the Department of Justice



U.S. Department of Justice

JUN 12 2009

Washington, D.C. 20530

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
United States Government Accountability Office
Washington, D.C. 20548

Dear Ms. Farrell:

The Department of Justice (Department) appreciates the opportunity to formally respond to the Government Accountability draft report entitled Human Capital: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians.

The Report provides the results of the Government Accountability Office (GAO) comparative review of executive agencies' policies and practices regarding the compensation and medical benefits they provide to civilian employees who deploy to Iraq or Afghanistan and makes two specific recommendations to the Secretaries of Agriculture, Homeland Security, and State, the Attorney General and the Director of the United States Agency for International Development.

Specifically the GAO recommended that the Attorney General and other agencies, noted above,:

1. *Establish ombudsman programs, or for agencies deploying small numbers of civilians, focal points with human capital expertise, to help ensure that deployed civilians receive the compensation and medical benefits to which they are entitled; and*
2. *Establish policies and procedures to accurately identify and track standardized information on deployed civilians, such as location specific movements in theater for any future medical issues related to their deployment.*

The Department concurs with the recommendations. In response, to address these issues, the Department will (1) develop Department-wide policy and procedures to ensure that deployed civilians receive the compensation and medical benefits to which they are entitled or for which they may be otherwise eligible; (2) identify subject matter expertise within the Department to assist components effectively administer deployment related compensation; and (3) determine a

**Appendix VIII: Comments from the
Department of Justice**


Ms. Brenda S. Farrell

Page 2

mechanism to coordinate the tracking of deployed civilians across Department components. The Department will issue policy, procedures and guidance regarding compensation and medical benefits by April 15, 2010.

Thank you for the opportunity to provide comments on the draft report. If you have any questions regarding this response, please contact Richard P. Theis, Audit Liaison Group, on (202) 514-0469.

Sincerely,



Lee J. Lofthus
Assistant Attorney General
for Administration

Enclosure

Appendix IX: Comments from the United States Agency for International Development



USAID
FROM THE AMERICAN PEOPLE

JUN 10 2009

Brenda S. Farrell, Director
Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. Farrell:

I am pleased to provide the U.S. Agency for International Development's (USAID) formal response on the GAO report entitled "*HUMAN CAPITAL: Actions Needed to Better Track and Provide Timely and Accurate Compensation and Medical Benefits to Deployed Federal Civilians*" (GAO-09-562).

While we are in general agreement with the report's conclusions, we do differ on one important point – USAID already has an Ombudsman for its Critical Priority Countries (CPCs). USAID's Critical Priority Countries are Afghanistan, Iraq, Pakistan and Sudan. The USAID CPC Ombudsman works on identifying direct hire Foreign Service personnel to undertake these hardship assignments and also assists them with suitable onward assignments. In addition, the USAID CPC Ombudsman helps Foreign Service employees and their families with a variety of issues, including compensation and medical benefits. USAID does not foresee the need to establish other ombudsman programs beyond this one, which is already in operation.

USAID believes that it already has adequate systems in place to track deployed personnel and does not believe that additional policies and procedures are necessary at this juncture.

Thank you for the opportunity to respond to the GAO draft report and for the courtesies extended by your staff in the conduct of this review.

Sincerely,

A handwritten signature in black ink that reads "Drew W. Luten".

Drew W. Luten
Acting Assistant Administrator
Bureau for Management

U.S. Agency for International Development
205 E. Pennsylvania Avenue, N.W.
Washington, D.C. 20525
202-456-4700

Appendix X: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Staff Acknowledgements

In addition to the contact named above, Marion A. Gatling, Assistant Director; Matthew D. Dove; Justin S. Fisher; Joanne Landesman; LaToya J. King; Gregory A. Marchand; Kimberly A. Mayo; George H. Quinn; Terry L. Richardson; and John C. Wren made key contributions to this report.

Related GAO Products

Human Capital: Opportunities Exist to Build on Recent Progress to Strengthen DOD's Civilian Human Capital Strategic Plan. [GAO-09-235](#). (Washington, D.C.: February 10, 2009).

Human Capital: DOD Needs to Improve Implementation of and Address Employee Concerns about Its National Security Personnel System. [GAO-08-773](#). (Washington, D.C.: September 10, 2008).

DOD Civilian Personnel: Medical Policies for Deployed DOD Federal Civilians and Associated Compensation for Those Deployed. [GAO-07-1235T](#). (Washington, D.C.: September 18, 2007)

DOD Civilian Personnel: Greater Oversight and Quality Assurance Needed to Ensure Force Health Protection and Surveillance for Those Deployed. [GAO-06-1085](#). (Washington, D.C.: September 29, 2006).

Defense Health Care: Improvements Needed in Occupational and Environmental Health Surveillance during Deployments to Address Immediate and Long-term Health Issues. [GAO-05-632](#). (Washington D.C.: July 24, 2005).

Military Pay: Army Reserve Soldiers Mobilized to Active Duty Experienced Significant Pay Problems. [GAO-04-911](#). (Washington, D.C.: August 20, 2004).

Military Pay: Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems. [GAO-04-413T](#). (Washington, D.C.: January 28, 2004).

Military Pay: Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems. [GAO-04-89](#). (Washington, D.C.: November 13, 2003)

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