

GAO

Fact Sheet for the Chairman, Committee
on Post Office and Civil Service, House of
Representatives

March 1989

**FEDERAL
EMPLOYEES**

Supplemental
Information on
Appointees Converted
to Career Positions



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United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-229408

March 21, 1989

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

Dear Mr. Chairman:

Your February 10, 1987, letter forwarded a request by the former Chairwoman, Subcommittee on Civil Service, that we review the conversion of noncareer appointees to career positions. In subsequent discussions with the Subcommittee, we agreed to provide summary statistical information on conversions that agencies reported to us as having occurred during the 9-month period ending September 30, 1987. We also agreed to provide quarterly reports thereafter.

In five previous fact sheets, we provided information on conversions that agencies reported to us for the period January 1, 1987, through September 30, 1988. These fact sheets are listed on page 17. As noted in each fact sheet, we did not verify the information for completeness.

In a separate effort, we tested the completeness of information on conversions of certain types of noncareer appointees reported to us by 10 agencies for the period January 1, 1987, through June 30, 1988. This fact sheet presents the results. It provides information on 34 conversions that should have been reported to us, but were not.

APPROACH

To verify the completeness of the information reported to us, we judgmentally selected 10 agencies¹ and certain types

¹The 10 agencies are the Departments of Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Justice, and Transportation, and the Environmental Protection Agency, National Aeronautics and Space Administration, and United States Information Agency.

of noncareer-to-career appointments to review; developed, using Office of Personnel Management (OPM) and agency information, a list of conversions to verify at the agencies; and verified the conversions by reviewing personnel files and other documents. More information about our approach and certain limitations on our results are discussed in appendix V. We did our work primarily in October and November 1988 at the Washington, D.C., area offices of OPM and the 10 agencies.

RESULTS

For the period January 1, 1987, through June 30, 1988, 8 of the 10 agencies did not report a total of 34 of their 87 conversions from the types of noncareer appointments we reviewed. We found no conversions for the Departments of Housing and Urban Development and Transportation that should have been reported to us, but were not. The Department of Health and Human Services did not report 16 conversions, the largest number of unreported conversions, followed by the Department of Defense with 6 unreported conversions.

Officials in the agencies that had unreported conversions provided one or more of the following four reasons for not reporting conversions: 1) oversight, 2) time lags between the effective date of conversions and the transmittal of documentation within the agency from the personnel office processing the conversion to the unit responsible for reporting to us, 3) misunderstanding about which personnel actions constituted conversions, and 4) difficulty in obtaining information on certain types of conversions occurring in 1987.² Officials at the Environmental Protection Agency said the agency had reported one of the conversions we identified as unreported. However, we have no record of having received information on the conversion.

²The Department of Defense did not report conversions of five experts and consultants and a reinstatement of an SES limited term appointee (see app. I) to a career position. According to Defense officials, the decentralized nature of the department's personnel operation made it burdensome to respond to our request for information on certain types of conversions occurring between January 1, 1987, and December 31, 1987. We requested the information on July 2, 1987, for our fact sheets. The agency agreed to report the information on a current basis after January 1, 1988.

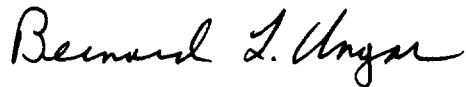
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Details of the 34 conversions are shown in appendixes II through IV.

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As arranged with the Subcommittee, we plan no further distribution of this fact sheet until 30 days after the date of issuance, unless you publicly announce its contents earlier. At that time, we will send it to interested parties and make copies available to others upon request. The major contributors to this fact sheet are listed in appendix VI.

Sincerely yours,



Bernard L. Ungar
Director, Federal Human Resource
Management Issues

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ABBREVIATIONS

CPDF	Central Personnel Data File
OPM	Office of Personnel Management
SES	Senior Executive Service

Definitions of Career and Noncareer Appointments

- Career -- A permanent appointment in the competitive service for which the appointee is either in career-conditional status or has met the service requirements for career tenure and has competitive status. The competitive service includes all civilian positions in the federal government that are not specifically excepted from civil service laws by statute, the President, or the Office of Personnel Management.
- Consultant or Expert -- A consultant receives a temporary or intermittent appointment in the excepted service to a position with advisory, rather than operational, responsibilities. A similar appointment is made to an expert but he or she can do operational duties. The excepted service consists of those positions that are not in the competitive service.
- Limited Term or Limited Emergency -- A nonrenewable SES appointment of an individual who does not meet the conditions for a career appointment and who generally does not intend to remain in government. A limited term appointee serves up to 36 months, and a limited emergency appointee serves up to 18 months.
- Noncareer Executive Assignment -- Appointment to a position of an employee who will (1) be deeply involved in the advocacy of Administration programs and support of the controversial aspects of those programs, (2) participate significantly in the determination of major political policies of the Administration, or (3) serve principally as personal assistant to or advisor of a Presidential appointee or other key political figure.
- Noncareer SES -- A noncompetitive appointment to a position above GS-15 serving at the pleasure of the appointing authority and not meeting the

conditions for a career or limited term appointment.

Schedule C

- Appointment of a person to a position at GS-15 or below that is excepted from competitive appointment procedures because of the appointee's policymaking role or confidential working relationship with the agency head or top appointed officials.

Noncareer Appointees Converted to Career Positions
Unreported by Eight Agencies
January 1, 1987-June 30, 1988

Department or agency	Noncareer appointments				Competitive appointments
	Expert or consultant	Limited term or limited emergency	Schedule C	Total appointments ^a	
Defense	5	1		6	4
Education	3			3	3
Energy	2			2	2
Health and Human Services	15		1	16	14
Justice	1			1	1
Environmental Protection Agency	2		1	3	3
National Aeronautics and Space Administration		1	1	2	2
United States Information Agency			1	1	1
Total	28	2	4	34	30

^a Total includes both competitive and noncompetitive appointments. The competitive and noncompetitive designations refer to the legal authorities cited by the agencies to make the appointments, not to the process used to fill positions. For example, a competitive process, such as issuing a job vacancy announcement, may identify an individual with non-competitive appointment eligibility whom the agency appoints citing a noncompetitive legal authority.

Number of Unreported Conversions by Type of Noncareer Appointment
January 1, 1987 - June 30, 1988

<u>Type of noncareer appointment</u>	<u>Number of unreported conversions</u>	<u>Number of agencies not reporting this type^a</u>
Expert/Consultant	28	6
Schedule C	4	4
Limited Term/ Limited Emergency	2	2
Noncareer Executive Assignment	0	0
Noncareer SES	<u>0</u>	0
Total	<u>34</u>	8 ^b

^aThese agencies may have reported some of their conversions of these types of noncareer appointees to career positions. For example, the Department of Health and Human Services reported 13 conversions of experts or consultants for the period January 1, 1987, through June 30, 1988, but the Department did not report 15 other such conversions.

^bThis number represents the total number of agencies that did not report conversions of noncareer appointees to career positions. In total, we verified information that 10 agencies provided, 2 of which had reported all conversions.

Unreported Noncareer Appointees Converted to Career Positions
by Agency
January 1, 1987 - June 30, 1988

DEPARTMENT OF DEFENSE

<u>Career position title</u>	<u>Competitive appointment</u>	<u>Noncareer position title</u>	<u>Type of noncareer position</u>
Director, Requirements, Plans, and Programs GM-301-15, GS-15/1 equivalent pay	yes	Consultant EF-301, GS-15/6 equivalent pay	Consultant
Space Management Specialist GM-1101-13, GS-13/10 equivalent pay	yes	Expert ED-301, GS-15/1 equivalent pay	Expert
Special Assistant to the Director, Defense Advanced Research Projects Agency ES-1301-5, GS-17/2 equivalent pay	no	Consultant EH-301, GS-15/3 equivalent pay	Consultant
Staff Specialist for Aeronautical Warfare Systems GM-301-14, GS-14/6 equivalent pay	yes	Consultant EF-301, GS-15/4 equivalent pay	Consultant
Foreign Affairs Specialist GM-130-14, GS-14/1 equivalent pay	yes	Consultant EF-130, GS-16/2 equivalent pay	Consultant
Foreign Affairs Specialist GM-130-15, GS-15/7 equivalent pay	no	Director, Policy Planning ES-130-1, GS-16/2 equivalent pay	SES Limited Term

DEPARTMENT OF EDUCATION

<u>Career position title</u>	<u>Competitive appointment</u>	<u>Noncareer position title</u>	<u>Type of noncareer position</u>
Supervisory Public Affairs Specialist GM-1035-15, GS-15/1 equivalent pay	yes	Expert ED-301, GS-15/4 equivalent pay	Expert
International Education Policy Specialist GM-1701-14, GS-14/1 equivalent pay	yes	Expert ED-301, GS-14/6 equivalent pay	Expert
Education Program Specialist GS-1720-12/10	yes	Expert ED-301, GS-12/6 equivalent pay	Expert

DEPARTMENT OF ENERGY

Foreign Affairs Specialist GS-130-14/1	yes	Consultant (Foreign Affairs Specialist) EF-130, GS-12/6 equivalent pay	Consultant
Economist GS-110-14/1	yes	Consultant EF-301, GS-13/6 equivalent pay	Consultant

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Research Biologist GS-401-14/8	yes	Expert EE-1320, GS-15/2 equivalent pay	Expert
Chemist GS-1320-14/1	yes	Expert EE-1320, GS-13/5 equivalent pay	Expert

DEPARTMENT OF HEALTH AND HUMAN SERVICES (Continued)

<u>Career position title</u>	<u>Competitive appointment</u>	<u>Noncareer position title</u>	<u>Type of noncareer position</u>
Health Scientist Administrator (Biological Science) GS-601-14/3	yes	Expert EE-403, GS-14/3 equivalent pay	Expert
Health Scientist Administrator (General) GM-601-14, GS-14/7 equivalent pay	yes	Expert EE-601, GS-15/1 equivalent pay	Expert
Health Science Administrator (Social Science) GS-601-13/9	yes	Expert EE-184, GS-14/2 equivalent pay	Expert
Director, National Institute of Mental Health ES-602-5, GS-17/2 equivalent pay	yes	Consultant EG-602, GS-16/5 equivalent pay	Consultant
Physicist GS-1310-13/1	yes	Consultant, Nuclear Regulatory Commission, GS-16/3 equivalent pay	Consultant
Microbiologist (Research) GS-403-13/10	yes	Expert EE-401, GS-14/4 equivalent pay	Expert

DEPARTMENT OF HEALTH AND HUMAN SERVICES (Continued)

<u>Career position title</u>	<u>Competitive appointment</u>	<u>Noncareer position title</u>	<u>Type of noncareer position</u>
Microbiologist GS-403-13/7	no	Expert EE-403, GS-14/2 equivalent pay	Expert
Medical Officer (General Surgery) GM-602-15, GS-16/5 equivalent pay ^a	yes	Expert EE-602, GS-16/3 equivalent pay	Expert
Medical Officer (Research) GS-602-14/9 GS-16/2 equivalent pay ^a	yes	Special Expert EE-602, GS-16/3 equivalent pay	Expert
Program Analyst GS-345-12/8	yes	Confidential Assistant to the Deputy Assistant Secretary for Planning and Evaluation GM-301-13, GS-13/2 equivalent pay	Schedule C
Supervisory Public Affairs Specialist GM-1035-14 GS-14/1 equivalent pay	yes	Expert EE-1035, GS-13/5 equivalent pay	Expert
Industrial Hygienist GS-690-13/9	no	Expert EE-690, GS-14/3 equivalent pay	Expert
Chemist GM-1320-13 GS-13/10 equivalent pay	yes	Expert EE-403, GS-14/5 equivalent pay	Expert

DEPARTMENT OF HEALTH AND HUMAN SERVICES (Continued)

<u>Career position title</u>	<u>Competitive appointment</u>	<u>Noncareer position title</u>	<u>Type of noncareer position</u>
Writer/Editor GS-1082-13/10	yes	Expert EE-1082, GS-14/3 equivalent pay	Expert

DEPARTMENT OF JUSTICE

Social Science Analyst GS-301-14/1	yes	Expert ED-301, GS-15/6 equivalent pay	Expert
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ENVIRONMENTAL PROTECTION AGENCY

Computer Systems Analyst GM-334-14, GS-14/7 equivalent pay	yes	Expert EF-334, GS-14/5 equivalent pay	Expert
Program Analyst GS-345-12/1	yes	Staff Assistant to the Assistant Administrator for External Affairs GS-301-12/1	Schedule C
Biologist GS-401-14/7	yes	Expert ED-401, GS-14/6 equivalent pay	Expert

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Legislative Affairs Specialist GM-301-14, GS-14/7 equivalent pay	yes	Congressional Affairs Specialist, Department of Commerce GM-301-14, GS-14/7 equivalent pay	Schedule C
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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (Continued)

<u>Career position title</u>	<u>Competitive appointment</u>	<u>Noncareer position title</u>	<u>Type of noncareer position</u>
Associate Administrator for Safety, Reliability, Maintainability, and Quality Assurance E-801-6, GS-17/2 equivalent pay	yes	Associate Administrator for Safety, Reliability, and Quality Assurance ES-801-6, GS-17/2 equivalent pay	SES Limited Emergency

UNITED STATES INFORMATION AGENCY

International Radio Broadcaster (English) GS-1001-12/1	yes	Schedule C Appointee ^b Federal Trade Commission	Schedule C
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Notes: For appointees in pay plans other than the General Schedule (GS) and the Merit Pay System (GM), the GS equivalent is the highest GS grade with a salary not exceeding the appointee's annual salary and the GS step within that grade with the salary closest to the appointee's salary. For appointees in the GM pay plan, the GS equivalent is the same grade as the GM grade (i. e., GM-13 becomes GS-13) and the GS step within that grade with the salary closest to the appointee's salary. If the appointee was paid on a per day basis, the appointee's annual salary was calculated by multiplying the per day salary by 260.

^aBy statute, medical officers in the General Schedule (GS) and Merit Pay System (GM) pay plans at the Department of Health and Human Services have special pay rates that are higher than the same GS or GM rates. For medical officers, we determined the GS equivalent of the GS or GM salary by selecting the highest GS grade with a salary not exceeding the appointee's annual salary and the GS step within that grade with the salary closest to the appointee's salary.

^bThe noncareer position title and pay were not available because the United States Information Agency did not have the Official Personnel Folder from the Federal Trade Commission.

Additional Information on Approach

We asked the Office of Personnel Management (OPM) to identify, using its Central Personnel Data File (CPDF), federal employees in career positions who had previously held noncareer appointments during the period January 1, 1987, through June 30, 1988, the date of the most recent information in the CPDF at the time of our review. OPM did a series of comparisons of career status as of the last day of consecutive quarters from December 31, 1986, through June 30, 1988, to identify conversions. Changes from noncareer status at the end of a quarter to career status at the end of the next quarter indicated conversions. The comparisons had certain limitations. Because OPM obtained information from the CPDF as of the last day of each quarter, OPM's comparisons did not identify people who might have received noncareer appointments and converted to career positions within the same quarter. For example, a person who received a noncareer appointment on January 3, 1988, and converted to a career position on March 27, 1988, would not be identified. In addition, OPM would not have identified people who had noncareer appointments and also left the government before December 31, 1986, and returned to the government in career positions after December 31, 1986.

From the information OPM provided, we selected those career employees in 10 agencies who had previously had expert or consultant, limited term or limited emergency, noncareer executive assignment, noncareer SES, or Schedule C appointments. Appendix I provides definitions of these types of appointments. The 10 agencies were selected on the basis of their relatively large number and types of conversions or because they had specific conversions that concerned the Subcommittee. We developed a listing of employees in the 10 agencies who were identified by either OPM or the agencies as having been converted from these types of noncareer appointments. We then reviewed official personnel files and other documents pertaining to employees in the Washington, D.C., area to verify that conversions had occurred. On the basis of our review of these documents, we identified conversions that had not been reported to us.¹ We provided the results of our review to agency officials and discussed the reasons why these conversions were not reported. The reasons agency officials provided are summarized in the letter.

¹We did not review personnel files located outside the Washington, D.C., area. Therefore, there may be other conversions that should have been reported to us, but were not.

Major Contributors to This Fact Sheet

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Related GAO Products

Federal Employees: Appointees Converted to Career Positions, January Through September 1987 (GAO/GGD-88-31FS, Jan. 28, 1988).

Federal Employees: Appointees Converted to Career Positions, October Through December 1987 (GAO/GGD-88-67FS, Mar. 25, 1988).

Federal Employees: Appointees Converted to Career Positions, January Through March 1988 (GAO/GGD-88-100FS, June 24, 1988).

Federal Employees: Appointees Converted to Career Positions, April Through June 1988 (GAO/GGD-88-131FS, Sept. 30, 1988).

Federal Employees: Appointees Converted to Career Positions, July Through September 1988 (GAO/GGD-89-38FS, Jan. 13, 1989).

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