

GAO

Fact Sheet for Congressional
Requesters

January 1993

PERSONNEL
PRACTICES

Career Appointments
Granted Political
Appointees From Jan.
Through Nov. 1992



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General Accounting Office
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January 22, 1993

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

The Honorable David H. Pryor, Chairman
Subcommittee on Federal Services,
Post Office, and Civil Service
Committee on Governmental Affairs
United State Senate

Following your requests, we are reviewing the conversion of appointees in noncareer political positions to career appointments. As agreed with the Committee and Subcommittee, we initially asked the Office of Personnel Management (OPM) to report the number of such conversions as well as other information on such conversions that took place from January 1 through November 30, 1992. This report provides that information.

We also agreed to, among other things, (1) monitor conversions on a monthly basis from December 1, 1992, through March 31, 1993; (2) review the adherence of conversions to civil service laws, rules, and regulations, including the merit system principle of fair and open competition; and (3) follow up on the status of certain other allegations pertaining to pending or recently completed conversions, reorganizations, and other personnel practices. As agreed with the Committee and Subcommittee, the results of this work will be reported separately.

BACKGROUND

Generally, federal employees who serve under noncareer senior executive service (SES) or Schedule C appointments are political appointees. They are appointed by an administration to support and advocate the president's political goals and policies. Noncareer SES and Schedule C appointees are permitted to apply and compete for career appointments to positions in the competitive service and SES. Such appointments are called "conversions" and must conform to the merit system principles contained in the Civil Service Reform Act of 1978 as well as to OPM

regulations.¹ Merit system principles, among other things, require that selection and advancement be determined solely on the basis of merit after fair and open competition.

OPM's process for reviewing conversions is spelled out in Federal Personnel Manual Bulletin 273-22, which emphasizes agencies' responsibilities to ensure that (1) all appointments, including conversions, are based on merit; (2) all personnel actions are based on legitimate management needs; and (3) records pertaining to all personnel actions clearly show that the actions are proper and legitimate. OPM monitors the appropriateness of conversions as part of its general procedures in processing agency requests for it to examine the qualifications of candidates for competitive service positions at General Schedule (GS)/General Management (GM) grades 9 through 15. OPM also monitors the appropriateness of conversions when agencies request OPM to convene a qualifications review board to certify the executive and managerial qualifications of noncareer SES employees selected for initial career appointments to SES positions.

APPROACH

We asked OPM to review its records, including those of regional service centers, and identify all noncareer SES and Schedule C appointees in noncareer positions that were converted to career appointments from January 1 through November 30, 1992.² Among other things, we asked OPM to provide the following information:

- the name of the noncareer appointee;
- the title, series, and salary of the noncareer position;
- the department or agency and subcomponent of the noncareer position;
- the title, series, and salary of the career position; and

¹In the federal personnel community, the term "conversion" applies to a personnel action changing an employee from one appointment to another appointment in the same agency without a break in service of more than 3 calendar days. We recognize this broader meaning within the civil service system, but we use the term within the report to describe appointments granted noncareer, political appointees to career positions.

²We originally asked OPM to provide information through September 30, 1992. We updated OPM's data through November 30, 1992.

-- the department or agency and subcomponent of the career position.

The OPM-provided information includes only those conversions that OPM processed. OPM normally does not get involved in appointments for which agencies have direct hiring authority.³ The OPM data also does not include instances in which the political appointee had reinstatement eligibility because of prior service as a career employee. Further, appointments based on legislative service under the Ramspeck Act or regulations concerning White House service provisions are not processed by OPM and thus are not included. Appointments made under these authorities will be separately reported to us by the agencies and will be included in future reports.

We did not verify the information provided by OPM for completeness or accuracy or determine the propriety of the conversions reported to us for this period. As stated earlier, these and other steps will be included in our future work on this issue. Our work was done between November 1 and January 7, 1992, and in accordance with generally accepted government auditing standards.

RESULTS

In total, OPM reported that it processed and approved the conversion of 13 noncareer SES and Schedule C appointees from January 1 through November 30, 1992. Of the 13 conversions, 9 were to career GS/GM appointments, and 4 were to career SES appointments.⁴ All nine conversions to career GS/GM appointments consisted of Schedule C appointees.

The four conversions to career SES appointments were all noncareer SES appointees. In all but one instance, the

³While agencies do not process direct-hire cases through OPM, they are required to report such appointments to OPM. According to OPM officials, there were no direct-hire appointments of noncareer employees reported to OPM during the period under review.

⁴Conversions to career SES appointments include only those individuals who converted during the period without a break in service.

Schedule C or noncareer SES appointees converted to career appointments in the same department or agency.

In addition, OPM reported that for the period covered, six conversions received during the period were not processed. According to OPM officials, these cases were either withdrawn by the requesting agency after discussions with OPM or not processed to completion because they did not appear to meet the merit and fitness requirements of civil service rules. We did not analyze the reasons these cases were not processed. Two of the six involved noncareer SES appointees, and four involved Schedule C appointees. OPM also reported that as of November 30, 1992, another five cases were in process. These were all Schedule C appointees.

OPM received each of the 13 conversions for processing prior to September 1992. Details of the 13 conversions reported by OPM for the period of January 1 through November 30, 1992, are presented in the appendix.

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We discussed the facts in this report with officials from OPM and incorporated their comments where appropriate. As arranged with the Committee and 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. Richard W. Caradine, Assistant Director, and James Grace, Evaluator-in-Charge, were the major contributors to this fact sheet.



Bernard L. Ungar
Director, Federal Human Resource
Management Issues

**NONCAREER APPOINTEES CONVERTED TO
CAREER APPOINTMENTS BY AGENCY
FROM JANUARY THROUGH NOVEMBER 30, 1992
(As reported by OPM)**

Career position title/office	Career grade and salary	Date appointed/entered on duty	Noncareer position title/office	Noncareer grade and salary
DEPARTMENT OF AGRICULTURE				
Associate Deputy Administrator Food and Nutrition Service	ES-3 \$98,600	7/26/92	Director Office of Analysis and Evaluation Food and Nutrition Service	ES-3 \$98,600
DEPARTMENT OF COMMERCE				
Chief Counsel National Telecommunications and Information Administration	ES-4 \$104,000	8/23/92	Counsellor to the General Counsel Office of the General Counsel	ES-4 \$104,000
DEPARTMENT OF DEFENSE				
Assistant for Interagency Coordination of Low-Intensity Conflict Policy Office of the Secretary	GM-15 \$68,515	11/17/92	Assistant for Political-Military Analysis and Strategic Assessment Office of the Secretary	GM-15 \$66,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Director Office of Small and Disadvantaged Business Utilization	GM-15 \$66,374	4/5/92	Small Business Specialist Office of Small and Disadvantaged Business Utilization Department of Energy	GM-15 \$66,374
DEPARTMENT OF THE INTERIOR				
External Affairs Officer Minerals Management Service	GM-13 \$58,247	10/4/92	Executive Assistant to the Director Minerals Management Service	GM-14 \$56,427
Program Analysis Officer Minerals Management Service	GM-15 \$70,656	11/16/92	Special Assistant to the Solicitor Office of the Solicitor	GS-14 \$63,707
Program Analyst Office of the Regional Director (Denver)	GM-13 \$61,887	5/3/92	Special Assistant to the Assistant Director for Fish and Wildlife Enhancement U.S. Fish and Wildlife Service	GM-14 \$59,394

Career position title/office	Career grade and salary	Date appointed/entered on duty	Noncareer position title/office	Noncareer grade and salary
DEPARTMENT OF JUSTICE				
Asylum Officer Immigration and Naturalization Service	GM-14 \$70,987	2/23/92	Deputy Director Office of Policy Development Asylum Policy and Review Unit	GM-15 \$80,138
Program Analyst Office of the Deputy Attorney General	GS-12 \$38,861	3/22/92	Special Assistant Office of Policy Development	GS-12 \$38,861
DEPARTMENT OF LABOR				
Program Analyst Occupational Safety and Health Administration	GS-11 \$41,071	6/14/92	Staff Assistant Occupational Safety and Health Administration	GS-12 \$37,294
DEPARTMENT OF STATE				
Director, Office of Policy Analysis Bureau of Politico - Military Affairs	ES-3 \$98,600	4/19/92	Deputy Assistant Secretary for Defense and Arms Control Bureau of Politico - Military Affairs	ES-3 \$98,600
DEPARTMENT OF THE TREASURY				
Program Analyst Internal Revenue Service	GM-13 \$53,910	5/17/92	Confidential Assistant to the Commissioner Internal Revenue Service	GS-13 \$53,910
DEPARTMENT OF VETERANS AFFAIRS				
Director, San Francisco, California Regional Office Veterans Benefits Administration	ES-4 \$104,000	7/12/92	Director Waco, Texas Regional Office Veterans Benefits Administration	ES-4 \$104,000

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