



September 2016

OFFICE OF PERSONNEL MANAGEMENT

Actions Are Needed to
Help Ensure the
Completeness of
Political Conversion
Data and Adherence
to Policy

GAO Highlights

Highlights of [GAO-16-859](#), a report to congressional requesters

Why GAO Did This Study

Political appointees in the federal government sometimes seek appointments to career positions that, unlike political appointments, do not terminate at the end of an administration. Federal agencies must use appropriate authorities and follow proper procedures in making these conversions, including obtaining prior approval from OPM.

GAO was asked to provide information on political conversions. This report identifies (1) the number of conversions of political appointees to career positions reported by executive branch agencies from January 1, 2010, to October 1, 2015; (2) the extent to which agencies complied with OPM requirements to receive approval before making such conversions and the results of that approval process; and (3) the status of OPM's efforts to comply with reporting requirements mandated by the Transitions Act.

GAO obtained OPM data on the number of conversion requests reviewed from January 1, 2010, to October 1, 2015, for 30 agencies. This time period begins with the implementation of OPM's January 2010 policy requiring OPM's prior approval of political conversions, and continues through the end of fiscal year 2015. GAO asked agencies to verify conversion requests made to OPM and the numbers of conversions completed during this period.

What GAO Recommends

GAO recommends that OPM work with agencies to verify agency conversions data. OPM partially concurred but believes it has a process to verify data. GAO continues to believe the recommendation is valid, as discussed in the report.

View [GAO-16-859](#). For more information, contact Yvonne D. Jones at (202) 512-2717 or jonesy@gao.gov.

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Actions Are Needed to Help Ensure the Completeness of Political Conversion Data and Adherence to Policy

What GAO Found

Of the 30 agencies GAO reviewed, 28 reported converting 69 individuals from political to career positions from January 1, 2010, to October 1, 2015. The other two agencies reported making no conversions during this time.

Of the agencies that implemented political conversions during the review period, eight agencies implemented 17 conversions without receiving prior approval from the Office of Personnel Management (OPM) as required by OPM policy. OPM completed post-appointment reviews for 13 of these 17 political conversions, approving 9 and denying 4. For each of the four denied cases, the agencies undertook various remedies, such as re-evaluating applicants, in response to OPM's concerns. For the four conversions for which OPM did not complete a post-appointment review, OPM or the agency determined that such a review was not needed for three because the appointee was no longer in the career position. For the fourth case, OPM officials said they were sending a letter to the cognizant agency to initiate the review process as of September 2016.

Agency officials identified difficulties understanding OPM's policy for prior approval of political conversions as a reason for not seeking prior approval, and they identified various steps they are taking to better adhere to OPM and agency policies. These steps include additional training on the types of political appointments that require prior OPM approval and implementing additional internal reviews to ensure compliance with OPM policy. GAO also found that OPM's oversight activities do not effectively identify all conversions that agencies completed without obtaining prior OPM approval. OPM officials said they are working to enhance their monitoring processes and increase the frequency of their reviews. These actions, if effectively implemented, should help OPM to identify all conversions completed by agencies in a timely manner.

In response to new reporting requirements in the Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (Transitions Act), OPM is implementing new procedures. For example, in an August 2016 memorandum to agencies, OPM provided information on covered political positions and presented its revised procedures. As part of its revised procedures, OPM is requiring agencies to notify it within 60 days, or as soon as practicable, of completing an OPM-approved conversion of a political appointee. According to OPM officials, because agencies previously did not have to disclose this information, OPM may not have been fully aware whether approved conversions actually occurred. GAO also identified other opportunities where OPM can improve its efforts to collect more complete information from the agencies. Specifically, 14 of the 30 agencies reported numbers of political conversions to GAO that were different from the numbers that OPM reported to GAO. In most cases, the differences in the two data submissions were off by one conversion except at two agencies—the Departments of Homeland Security and Commerce—where they were off by six and two conversions, respectively. OPM currently does not seek from agencies verification of the data it has and correct any data discrepancies. Instituting verification could help OPM (1) more quickly identify conversions agencies implemented without OPM approval and (2) conduct appropriate post appointment reviews, thus helping to achieve better compliance with OPM's stated policy.

Contents

Letter		1
	Background	5
	Agencies Reported 69 Political to Career Conversions from January 1, 2010, to October 1, 2015	8
	Some Agencies Implemented Political Conversions Prior to Receiving Required OPM Approval and OPM Has Limited Visibility over This Process	9
	OPM is Taking Steps to Comply with Government-wide Reporting Guidelines Required by the Transitions Act	17
	Conclusions	20
	Recommendation for Executive Action	21
	Agency Comments and Our Evaluation	21
Appendix I	OPM Reviews and Approvals of Political Conversions and Number of Individuals Converted from January 1, 2010, to October 1, 2015, as Reported by OPM and 30 Agencies	24
Appendix II	Objectives, Scope and Methodology	26
Appendix III	Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015	31
Appendix IV	Comments from the Office of Personnel Management	43
Appendix V	GAO Contact and Staff Acknowledgments	45
Tables		
	Table 1: OPM Reviews and Approvals of Political Conversions and Number of Individuals Converted from January 1, 2010, to October 1, 2015, as Reported by OPM and 30 Agencies	24

Table 2: Characteristics of Agency Conversions of Political Appointees to Career Positions Completed from January 1, 2010, to October 1, 2015

Abbreviations

CHCO	Chief Human Capital Officer
DHS	Department of Homeland Security
DOE	Department of Energy
Education	Department of Education
EHRI	Enterprise Human Resources Integration
FDA	Food and Drug Administration
FDIC	Federal Deposit Insurance Corporation
FEMA	Federal Emergency Management Agency
GS	General Schedule
HHS	Department of Health and Human Services
NPPD	National Protection and Programs Directorate
OPM	Office of Personnel Management
OSC	Office of Special Counsel
SES	Senior Executive Service
Transitions Act	Edward ‘Ted’ Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015

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September 30, 2016

The Honorable John Thune
Chairman
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
House of Representatives

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
House of Representatives

Political appointees in the federal government sometimes seek appointments to career competitive and other positions that, unlike political appointments, do not terminate at the end of an administration. As we have previously noted, the ability to convert political appointees to career positions is an appropriate and valuable means of achieving a highly skilled workforce.¹ However, these conversions must conform to merit system principles requiring that employees be selected solely on the basis of merit. Sometimes, circumstances surrounding conversions can raise questions as to whether the individuals selected experienced favoritism or enjoyed an unfair advantage in the merit system selection process, even the appearance of which could adversely compromise the integrity of the system.

¹GAO, *Personnel Practices: Conversions of Employees from Political to Career Positions*, May 2005-May 2009, [GAO-10-688](#) (Washington, D.C.: June 28, 2010).

You asked us to provide information on conversions of political appointees to career positions, and review the implementation and effectiveness of the Office of Personnel Management's (OPM) policy for reviewing conversions, which went into effect in 2010. This report describes: (1) the number of conversions of political appointees to career positions reported by executive branch agencies from January 1, 2010 to October 1, 2015, and the characteristics of the political positions previously held by these individuals and the career positions to which they were converted;² (2) the extent to which agencies complied with OPM requirements to receive approval before making such conversions and the results of that approval process; and (3) the status of OPM's efforts to comply with government-wide reporting requirements required by the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.³

To address our objectives, we obtained data from OPM on the number of reviews of agency requests to convert political appointees to career positions from January 1, 2010, to October 1, 2015. We also obtained OPM data from the same period on the number of conversion requests approved by OPM, and the number of approved cases where agencies proceeded to hire political appointees. According to OPM data, 30 agencies requested OPM's approval for at least 1 conversion during the same period. We then asked each of these 30 agencies to corroborate (1) the number of requests each agency made to OPM to convert employees from political to career positions, and (2) the number of conversions agencies completed during the time period of our review. To assess the reliability of the data that OPM and the agencies provided, we examined the data for obvious errors and inconsistencies. We also queried OPM and the agencies to better understand the data systems OPM and each agency used to collect and report such data, as well as the quality of data

²The time period of our review begins with the implementation of OPM's January 2010 policy requiring OPM's prior approval of all conversions of current or recent appointees to competitive or non-political excepted service positions. The time period continues through the end of fiscal year 2015—the last full fiscal year before the beginning of our performance audit. We will report additional information on these conversions at a later date, including the policies and procedures OPM uses to conduct reviews of such conversions and whether appropriate authorities were used and proper procedures followed in making these conversions.

³Pub. L. No. 114-136, § 4, 130 Stat. 301, 305-307 (Mar. 18, 2016).

entered into their system(s). We found the conversion data from both OPM and agencies to be sufficiently reliable for the purposes of this report. Appendix I lists the 30 departments and agencies we reviewed, the number of requests made to OPM and the number of conversions reported by each agency.

We asked OPM and each of the 30 agencies to identify instances during the period of our review when agencies converted political appointees to career positions without first obtaining OPM approval, and to describe the outcomes of OPM post-appointment reviews of these conversions, including any corrective actions requested by OPM and acted on by agencies. We did not assess the sufficiency of OPM's post-appointment reviews or subsequent actions taken by agencies as this was outside the scope of our review. We reviewed relevant OPM documents and interviewed OPM officials charged with administering OPM's political appointment conversion review procedures to better understand how OPM monitors conversions that agencies have completed, including those not reviewed by OPM prior to appointment. We also obtained relevant documentation from OPM and agencies and interviewed OPM officials to identify steps they have taken to enhance their processes for identifying and reviewing conversions of political appointees.

For the purposes of this review, we defined political appointees as those appointed to positions in one of the six categories similar to the ones used in our June 2010 report:⁴

- **Schedule C:** Appointments are generally noncompetitive and are for excepted service positions graded General Schedule (GS)-15 and below.⁵ These positions involve determining policy or require a close, confidential relationship with the agency head or other key officials of the agency. Schedule C appointees serve at the pleasure of the department or agency head.

⁴See [GAO-10-688](#). We excluded limited-term and limited-emergency SES appointees in cases where we determined that the appointees were career employees prior to being appointed to the noncareer position from which he or she was converted.

⁵GS-15 is the highest grade in the General Schedule (GS) classification system, which is the federal government's system for defining and organizing federal positions, primarily to assign rates of pay.

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- **Noncareer Senior Executive Service (SES):** Appointments are to positions with responsibility for formulating, advocating, and directing administration policies. Noncareer SES appointees serve at the pleasure of the department or agency head.
 - **Limited-term SES:** Appointments may be made to a position with duties that will last for a specified period of 36 months or less.
 - **Limited-emergency SES:** Appointments may be made for up to 18 months to a position established to meet a bona fide, unanticipated, urgent need.
 - **Presidential appointees, including executive level and noncareer ambassadors:** Appointments are made by the President, generally to fill high-level executive positions. Appointees support and advocate the President's goals and policies.
 - **Noncareer legislative branch:** Appointments are primarily to positions in member and committee offices.

Consistent with our past work on conversions, we identified three categories of career positions as defined below.

- **Career-Conditional/Career (competitive service):** Appointments are to permanent positions in the competitive service and are generally made through open competitive examination.⁶ Competitive examination includes recruitment through a published or "all sources" announcement, and rating and ranking of eligible candidates using OPM-created or approved qualification standards and agency-developed job related assessment tools to identify the most qualified applicants. Generally, the initial competitive service appointment is career-conditional. Appointees must complete a 1-year probationary period and a total of 3 years of continuous creditable service to become a career employee.
- **Career (SES):** Appointments are into SES under 5 U.S.C. § 3393 to top-level policy, executive, supervisory, and managerial positions above GS-15. Appointments into career SES positions require a further review and certification of the executive/managerial

⁶Career and career-conditional appointments may also be made through means other than competitive examination pursuant to appointment authorities granted by law or executive order.

qualifications of the proposed selectee by an OPM-administered SES Qualifications Review Board.

- **Career excepted service (Non-Schedule C):** Some appointments are to positions excepted from competitive examination requirements in Title 5 of the U.S. Code by OPM. Other appointments are to positions or in agencies that are not subject to competitive examination requirements in Title 5. Agencies have the authority to establish their own hiring procedures to fill excepted service vacancies. Such procedures must comply with statutory requirements such as merit system principles and veterans' preferences, when applicable.

We conducted this performance audit from January 2016 to September 2016 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to prove 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. Further details about our objectives, scope and methodology are provided in appendix II.

Background

Political appointments are generally made by the administration in office to support and advocate the President's political goals and policies. These positions are noncareer appointments that are made without regard to the rules for competition that govern career appointments. We have regularly reported on conversions from noncareer to career positions in our prior work.⁷ Most recently, in 2010, we reported on the number of individuals who were converted from six categories of noncareer positions from May 1, 2005, to May 30, 2009, as reported to us by 42 departments and agencies. We reported that 139 individuals holding political positions were converted to career positions during that time frame at 26 of the 42 selected departments and agencies in our

⁷Recent reports include [GAO-10-688](#); GAO, *Conversions of Selected Employees from Political to Career Positions at Departments and Selected Agencies*, [GAO-10-356R](#) (Washington, D.C.: Jan. 29, 2010); and *Personnel Practices: Conversions of Employees from Noncareer to Career Positions, May 2001-April 2005*, [GAO-06-381](#) (Washington, D.C.: May 1, 2006).

review. The remaining 16 departments and agencies reported no political conversions during that period.

Federal agencies must use appropriate authorities and follow proper procedures in making conversions of political appointees to career positions. The majority of authorities and procedures governing appointments to career positions are outlined in Title 5 of the U.S. Code. Merit system principles are one of the fundamental statutory rules applying to civil service appointments. These principles require that agencies follow a selection process that is fair, open, and based on skills, knowledge, and ability.⁸ Another key statute under Title 5 prohibits certain personnel practices, such as granting any individual a preference or advantage in the application process, including defining the manner of competition or requirements for a position to improve the prospects of any particular applicant, or failing to fulfill veterans' preference requirements.⁹ In addition to these statutory requirements, agencies must follow OPM's regulations in Title 5 of the Code of Federal Regulations, which also outline required procedures for making appointments to career positions, such as providing public notice of all vacancies in the career SES.¹⁰ For career excepted service (non-Schedule C) positions, agencies are not required to follow OPM's hiring regulations for the competitive service; however, they must apply veterans' preference, and follow merit system principles and OPM's regulations on excepted service hiring when making most of these appointments.¹¹

OPM also has oversight authority to ensure that federal agencies are following the merit system principles when hiring. As one aspect of carrying out these duties, OPM has traditionally required that agencies seek its pre-appointment approval for the conversions of certain noncareer appointees (Schedule C and noncareer SES) into certain career positions (competitive service and career SES) during a

⁸5 U.S.C. § 2301(b)(1).

⁹5 U.S.C. § 2302(b).

¹⁰5 C.F.R. § 317.501(b)(2).

¹¹OPM has excluded certain positions, such as attorney positions, from coverage under its regulations on excepted service appointment procedures. 5 C.F.R. § 301.101.

presidential election period.¹² However, in a November 5, 2009 memorandum to heads of executive departments and agencies, OPM expanded the requirements for pre-appointment approval; beginning January 1, 2010, OPM required agencies to seek its approval before appointing a current or recent political appointee to a competitive or non-political excepted service position at any level under the provisions of Title 5 of the U.S. Code.¹³ According to this memorandum, OPM will (1) review these proposed appointments to ensure they comply with merit system principles and applicable civil service laws and (2) continue to conduct merit staffing reviews for all proposed career SES selections involving a political appointee before the selections are presented to OPM's Qualifications Review Board for certification of executive qualifications.

The Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 ("Transitions Act"), which was enacted in March 2016, requires OPM to report annually to Congress, and during certain periods quarterly, requests made by agencies to appoint political appointees or former political appointees to covered civil service positions.¹⁴ In an August 11, 2016 memorandum to heads of executive departments and agencies, OPM revised procedures to comply with the new reporting requirements.¹⁵ For all political appointee conversions approved by OPM, agencies are to now notify OPM whether the applicant was appointed to the career position or not. Agencies previously were not required to provide this information.

¹²OPM relied on the presidential election period established under 5 U.S.C. § 4508 (a)(1), which is defined as "any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election."

¹³See OPM, *Political Appointees and Career Civil Service Positions*, Nov. 5, 2009. OPM defines a "recent political appointee" as an individual who held a political appointment covered by OPM's policy within the previous 5-year period.

¹⁴Pub. L. No. 114-136, § 4, 130 Stat. 301, 305-307 (Mar. 18, 2016).

¹⁵See OPM, *Political Appointees and Career Civil Service Positions*, Aug. 11, 2016.

Agencies Reported 69 Political to Career Conversions from January 1, 2010, to October 1, 2015

Of the 30 agencies we reviewed, 28 reported converting 69 individuals from political to career positions from January 1, 2010, to October 1, 2015, and the other two agencies reported making no conversions during this time.¹⁶ Conversions of individuals from political to career positions represented less than 0.1 percent of the total number of career and career-conditional appointments within the executive branch that OPM identified during the time frame of our review.¹⁷ Six agencies accounted for 34, or nearly half of the completed conversions. The Department of Homeland Security (DHS) had the highest number of conversions (nine) during the review period, followed by the Department of Justice (seven), the departments of Defense and the Treasury (five each), and the Department of Health and Human Services (HHS) and Federal Deposit Insurance Corporation (FDIC) (four each). Of the remaining 24 agencies, 22 had 3 or fewer conversions each and 2 made no conversions.

Of the 69 reported conversions, individuals were converted from the following categories of noncareer positions:

- 42 Schedule C positions,
- 23 noncareer SES positions,
- 2 presidential appointee positions,
- 1 limited-term SES position, and
- 1 administratively determined position.¹⁸

The 69 reported conversions were made to the following categories of career positions:

¹⁶As noted above, 30 agencies requested OPM's approval for at least 1 conversion during the same period. We asked each of these 30 agencies to corroborate (1) the number of requests each agency made to OPM to convert employees from political to career positions, and (2) the number of conversions agencies completed during the time period of our review.

¹⁷According to OPM officials, data obtained by OPM for career and career-conditional appointments included those that took place from January 1, 2010 through September 30, 2015. The total number of appointments reported by OPM does not include conversions from the legislative branch to the executive branch.

¹⁸While the administratively determined position is not explicitly included in our definition of political appointees, OPM defined the appointment as a political appointment and the agency making the conversion agreed with OPM.

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- 25 competitive service positions,
 - 29 career SES positions, and
 - 15 career excepted service positions.

Appendix III provides more specific details on characteristics of the political and career positions to which the individuals were converted, including titles or positions, grades, salaries, and appointment dates.

Some Agencies Implemented Political Conversions Prior to Receiving Required OPM Approval and OPM Has Limited Visibility over This Process

Eight Agencies Converted 17 Political Appointees to Career Positions without First Obtaining OPM Approval

OPM and agencies reported that 8 of the 30 agencies converted a total of 17 political appointees to career positions during the same time period without first obtaining OPM's approval as required by OPM policy. DHS had the highest number of political conversion appointments made without OPM approval with six, followed by HHS with three and the Department of Energy (DOE) with two. The agencies made seven of these conversions in 2010, when OPM's prior approval policy was first implemented, and made two in 2015 (through October 1).

Agency officials said they did not seek prior approval from OPM before converting political appointees to career positions because of difficulty understanding OPM's policy for prior approval of political conversions. Officials from four agencies that converted political appointees without OPM approval said that agency human resources personnel did not fully understand OPM's conversion review policy, such as the types of political appointments whose conversions require OPM's pre-appointment review,

or the inclusion of applicants who held former political appointments up to five years prior to the career appointment.¹⁹ Officials from two agencies also said that the types of political appointments held by applicants were not readily apparent in application materials submitted to them.

OPM Conducted Post-appointment Reviews for the Majority of Political Conversion Cases Completed without Obtaining Approval

According to OPM, it conducts post-appointment reviews for cases where agencies convert political appointees to career positions without seeking OPM approval. OPM reported that it completed post-appointment reviews of 13 of the 17 conversions made without first obtaining OPM approval, approving 9 and denying 4. For the four conversions for which OPM did not complete a post-appointment review, in two cases the appointed individuals are no longer employed with the government. Thus, OPM believed that no review was warranted. DHS canceled the conversion in the third case in July 2011 before the agency submitted it to OPM for post-appointment review. According to OPM officials, DHS said it reviewed the appointment and found insufficient information to forward the case file to OPM. DHS, instead, instructed its component office to cancel the competitive appointment and return the individual to the previous political position. Because DHS canceled the conversion, OPM officials believed no further review of the conversion was needed. For the fourth case, OPM officials told us they were sending a letter to the cognizant agency to initiate the post-appointment review process as of September 2016.

For conversions OPM determines it would not have approved during a pre-appointment review, OPM sends the agency a letter explaining the proper procedures for making political appointments and also any corrective actions required for the specific case. According to OPM officials, these actions may include re-announcing the position, reconstructing the case file, or correcting a coding error. OPM may also

¹⁹OPM determines the 5-year period for former political appointees by looking back 5 years from the closing date of a vacancy announcement. In cases where vacancy announcements are not always used, such as for excepted service positions, OPM determines the 5-year period by looking back 5 years from the date an agency submits its request for pre-hiring review to OPM.

refer the conversion to the Office of Special Counsel (OSC) if OPM suspects any prohibited personnel practices have occurred.²⁰

We asked OPM and each involved agency to describe the outcome of OPM's post appointment reviews for the four cases OPM denied in its post appointment reviews. OPM's and agencies' specific responses and resulting outcomes for the four cases are as follows by the date of OPM's post-appointment review:

- **May 2011:** OPM determined that FDIC appointed a Schedule C political employee to a career competitive position in March 2010 instead of a compensably disabled veteran who appeared qualified for the position and should have received top consideration in the selection process based on active military service.²¹ OPM referred this case to OSC to determine whether any prohibited personnel practices had occurred. OSC rejected the referral, citing no authority over government corporations. OPM subsequently instructed FDIC to take several corrective actions, including reconstructing the conversion's case file and providing documentation, rerating all applicants for the career competitive position, and regularizing the appointment. Generally, regularizing an appointment means to correct the illegal component of the appointment.²² OPM also instructed FDIC to identify any preference eligible individuals—such as those who are compensably disabled—who lost employment consideration through FDIC's erroneous selection process and to provide them priority consideration. FDIC reported that it reconstructed the case file and re-evaluated applicants. However, FDIC said it did not select from the recreated roster of referred candidates. Instead, it regularized the career appointment by non-competitively appointing the Schedule C applicant to a career appointment based on the applicant's prior

²⁰OSC is an independent investigative and prosecutorial agency with the primary mission of protecting the employment rights of federal employees and applicants for federal employment.

²¹A veteran is identified as "compensably disabled" if the veteran (1) served at any time and was discharged or released from active duty in the Armed Forces under honorable conditions (i.e., with an honorable or general discharge); and (2) has a compensable service-connected disability of at least 10 percent.

²²See, *Michael A. Endres v. Department of Veterans Affairs*, 107 M.S.P.R. 455, 463 (2007).

service with a legislative branch agency. Following review of FDIC's response, OPM approved the individual's conversion.

- **June 2012:** OPM determined that it would not have approved the March 2011 appointment of a Department of Education (Education) Schedule C political appointee to a career competitive position. OPM said it appeared Education gave the political appointee an unfair advantage in the hiring process by manipulating the requirements of the career position to align with the appointee's background rather than with the position's classified duties. OPM found that Education used an inappropriate selective factor for its selection of the political appointee, even though the appointee lacked minimum qualifications for the position. OPM referred this case to OSC to determine whether any prohibited personnel practices had occurred. OSC's investigation determined that Education officials did commit prohibited personnel practices, and recommended that Education consider taking disciplinary action against two personnel management employees who participated in the process. OSC also recommended that Education train human resource staff and management on merit system principles and prohibited personnel practices.

According to OSC officials, Education informed OSC that one employee involved with the conversion retired after Education began its disciplinary process and that a second employee retired before Education could start the disciplinary process. OSC determined Education's efforts to be satisfactory.

OPM also required Education to take additional steps such as canceling the competitive appointment and re-advertising the position using properly classified duties and appropriate assessment tools. OPM reported that, in response, Education changed its procedures for using selective factors, discontinued the use of unique position descriptions in new position requirements, and reposted the position without selective factors or unique position requirements. The same political appointee was selected for the competitive announcement, but separated from Education shortly thereafter. OPM determined that Education's actions satisfactorily addressed its concerns.

- **September 2014:** OPM determined that HHS appointed a Schedule C employee who did not qualify for placement into a career competitive position in April 2012, and found that the selection was improper. OPM found that HHS made numerous other errors during the hiring process such as incorrectly determining qualifications of

employees and improperly removing an applicant with veterans' preference from consideration. Consequently, OPM determined HHS's actions violated the merit system principle of fair and open competition, and said that it would not have approved the appointment. OPM said that HHS regularized the appointment by advertising the position under a delegated examining authority. HHS found the same political appointee to be qualified and selected the applicant for the position. OPM determined that HHS satisfactorily addressed its concerns.

- **May 2016:** OPM determined that it would not have approved the conversion of a Food and Drug Administration (FDA) Schedule C appointee to a career competitive appointment that had already taken place in December 2014. Among other reasons, OPM found that FDA applied an overly restrictive definition of specialized experience which likely screened out two otherwise qualified applicants with veterans' preference, and did not interview the two candidates referred for consideration before selecting the political appointee for the position. OPM ordered HHS to reconstruct the conversion case file, regularize the appointment of the converted political appointee, and identify and provide priority consideration for the candidates with veterans' preference who lost employment consideration. In June 2016, HHS canceled the conversion and moved the appointee back into the Schedule C position held before the career appointment. OPM referred the case to OSC to determine whether anyone involved in the recruitment and selection process may have committed a prohibited personnel practice. OSC officials said they received OPM's referral of the conversion in June 2016, and had initiated their review of the case. As of August 2016, the case was still under review.

Of the 17 conversions agencies reported making without prior OPM approval, OPM may not have been aware of three of them before we brought them to its attention. As of September 2016, OPM has not completed a post-appointment review of these conversions, which took place on the following dates:

- **July 2010:** DHS converted a Schedule C appointee to a career excepted position in its National Protection and Programs Directorate (NPPD) without undergoing OPM's pre-appointment review. DHS said it did not request approval because NPPD did not believe this case met the criteria for an OPM merit staffing review. OPM believed no review was needed of the conversion since the appointed individual was not employed by the government as of September 2016.

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- **September 2010:** The Federal Emergency Management Agency (FEMA), which is part of DHS, converted a Schedule C appointee to a career competitive position without OPM's prior approval. DHS said that due to a break in service between the political appointment and the career position, FEMA officials said they believed the case did not meet the criteria for an OPM merit staffing review. According to DHS, the employee resigned from federal service in September 2011. As with the case above, OPM believed no review was needed of the conversion since the appointed individual was no longer employed by the government as of September 2016.
 - **February 2014:** DOE converted a former Schedule C appointee to a permanent career excepted position without OPM's prior approval. DOE said the conversion should have been submitted for OPM's pre-appointment review since the employee had held a Schedule C political appointment within the previous 5 years. DOE said it did not submit the conversion for review because a staffing specialist involved with the conversion was unaware that the selection of the employee for a career appointment required OPM's pre-appointment review. OPM told us that, as of September 2016, it was planning to issue a post-appointment review letter to DOE.

Agencies Are Taking Steps to Better Adhere to OPM's Policy for Converting Political Appointees to Career Positions

Agencies have taken steps to better adhere to OPM's policy for converting political appointees to career positions. Six agencies said they have taken steps to ensure their employees are following OPM and agency policies for conversions. These steps include training human resources specialists on which types of appointments to career positions require prior OPM approval, sending memorandums and reminder notices to staff involved with conversions on OPM and agency conversion approval processes, and implementing additional internal reviews to ensure compliance with OPM's requirements. Officials at DHS added they have required all component staff with hiring responsibility to certify in writing that they have read OPM's and the agency's guidance on political conversions. To more easily identify applicants who are political appointees, officials from five agencies said they are adding questions to job opportunity announcements asking whether applicants served as political appointees within the past 5 years before applying for a position. These measures should help agencies improve identification of political appointees applying for career positions, and also help ensure that agency staff better understand the types of political conversions requiring OPM's review.

OPM officials told us they have also been working with agencies to increase awareness and understanding of its policy. For instance, OPM posted informational memorandums that discuss political appointments on the Chief Human Capital Officers (CHCO) Council website, including its November 2009 memorandum that documents OPM's political appointee conversion policy and procedures that became effective in January 2010. OPM also posted subsequent reminders of its policy on the CHCO Council website during the 2012 and 2016 presidential election periods. Additionally, the agency has a frequently asked questions page on its website, which includes a feature that allows agencies to submit questions directly to OPM's political conversions electronic mailbox. They told us that OPM is updating this page to further clarify what qualifies as a political conversion according to the legal and policy definitions. OPM officials told us that, due to the upcoming presidential transition period, the agency presented the parameters of OPM's policy on political appointments during a CHCO Academy learning session in February 2016. OPM officials also told us that OPM's lead evaluators have a continuing dialogue with agencies on oversight, including discussing reasons why agencies may have converted political appointees without OPM's approval.

OPM's Oversight Does Not Capture All Conversions Agencies Completed without Obtaining Prior Approval from OPM

To identify conversions agencies completed without OPM's prior approval, OPM officials told us that OPM reviews data obtained from its Enterprise Human Resources Integration (EHRI) system on a quarterly basis to identify personnel actions that are potentially political conversions.²³ They explained that they compare a list of political appointees that held a political position within the last 5 years to a second list of career appointments identified through EHRI queries and taking place during the same period. After identifying personnel actions that may have involved a conversion of a political appointee, OPM officials said they then use employee personnel records to review the entire employment history of the appointee to help determine whether the agency should have submitted the appointment under OPM's prior approval policy. According to OPM officials, if they identify any cases that

²³EHRI is the primary government-wide source for information on federal employees. The EHRI data we analyzed cover executive branch civilian employees and do not cover the U.S. Postal Service, most legislative or judicial branch employees, or intelligence agencies.

agencies did not submit for prior approval, they send a letter to the involved agency to remind agency officials of OPM's policy. The OPM letter also requests that the agency submit the necessary documents to request that OPM conduct a post-appointment review.

However, as discussed earlier, during our review period, agencies converted 17 political appointees to career positions without obtaining OPM's prior approval. Eleven of these were identified by OPM's EHRI queries, but subsequent follow-up efforts did not identify the remaining 6 conversions. Agencies self-reported three of these conversions to OPM and requested OPM review. We brought three conversions to OPM's attention during our review. Moreover, for the 11 conversions identified by OPM, it took OPM an average of about 1 year after the conversions took place to identify these cases in EHRI. OPM officials said EHRI is not an appropriate tool to be used in and of itself to accurately and timely identify political conversions agencies complete without submitting for prior OPM approval. They explained that while EHRI data are generally fairly reliable, there can be mistakes in the coding of individual personnel actions that sometimes are only discovered by communicating with the relevant federal agency on the specifics of the case. OPM officials also said agencies do not always submit corrections to personnel actions in time to be included in EHRI data files before the files are finalized for analysis. OPM officials added that they use EHRI as a starting place for identifying potential political conversions, but then must rely on manual research and additional information from other sources to determine whether individual cases fall within the scope of OPM's review. During the period our review covered, OPM's post-conversion reviews took an average of about five months from the date OPM notified the agency of a post-conversion review to the date OPM decided to approve or reject a conversion.

However, OPM is taking steps towards enhancing its process for monitoring conversions completed by agencies. OPM officials told us they are working to improve queries of EHRI data to better identify political conversions that did not receive prior approval from OPM. They said they have a project in development to replace a mainframe program report with an updated EHRI report that meets OPM's current requirements. They explained that the program will review all actions that occurred in that month and generate an employee history to be reviewed by OPM staff for improper political conversions. OPM officials believe an EHRI report prototype can be developed by December 2016 that will allow for verification and testing of data, with full implementation completed by March 2017. Once the transition to the new platform is completed, OPM

officials also said they plan to perform monthly reviews of EHRI data, instead of their current practice of quarterly reviews. These actions, if effectively implemented, should help OPM to better identify conversions completed by agencies in a timely manner.

OPM is Taking Steps to Comply with Government-wide Reporting Guidelines Required by the Transitions Act

As previously discussed, the newly enacted Transitions Act requires OPM to report annually, and during certain periods quarterly, specific information to Congress on requests made by agencies to appoint current or former political appointees to covered civil service positions.²⁴ According to the law, each report shall include, among other things, the date on which the request was received by OPM, the political position held by the individual, the proposed career position, and whether OPM approved or denied the request.

The Transitions Act also defines covered civil service positions and political positions included under its new reporting requirements. This legislation has prompted OPM to reshape its pre-appointment review coverage.²⁵ Specifically, in an August 2016 memorandum to agencies, OPM provided information on covered political positions and presented its revised procedures to comply with the Transitions Act's new reporting requirements. For example, OPM revised its pre-appointment checklists to include requests for the rate of basic pay of the current or former political appointee, and the proposed rate of basic pay of the proposed civil service position. As part of its revised procedures, OPM is requiring agencies to notify it within 60 days, or as soon as practicable, of completing an OPM-approved conversion of a political appointee, or of a decision not to complete such a conversion. Under the policy implemented in 2010, agencies were not required to notify OPM whether the political appointee was appointed to the proposed position or not. The Transitions Act now requires OPM to report the date on which the individual was appointed to a covered position. The additional information that OPM is requesting from agencies will provide it with the data it needs

²⁴Pub. L. No. 114-136, § 4, 130 Stat. 301,305-307 (Mar. 18, 2016).

²⁵Pub. L. No. 114-136, § 4. OPM is required to provide information about decisions it issues on agency requests to appoint current and former political appointees to covered civil service positions. This information is to be submitted on an annual basis and quarterly during the last year of a Presidential term or second consecutive term.

to comply with this reporting requirement. The information may also facilitate OPM efforts to identify applicable political conversion cases in EHRI. As a result, OPM may be better positioned to ensure agencies adhere to merit system principles when making political conversions because it can more easily identify cases.

According to OPM officials, because agencies previously did not have to disclose this information, OPM may not have been fully aware whether conversions it approved actually took place. The additional information OPM provided on covered political positions and additional data OPM requires agencies to report may facilitate OPM and agencies' automated efforts to identify applicable political conversion cases. As a result, agencies may be better equipped in the future to follow OPM's requirements for pre-appointment reviews of political conversions and OPM may be better positioned to ensure agencies adhere to merit systems principles when making political conversions.

OPM May Be Able to More Quickly and More Timely Identify Conversions Agencies May Have Completed Without Its Approval

We found differences between OPM and agency data reported to us on the total number of political conversions during our period of review at 14 of the 30 agencies we reviewed. Seven agencies reported a number higher than that reported by OPM, while seven reported a lower number. In most cases, the differences in the two data submissions were off by only one conversion. However, differences in data submissions between OPM and two agencies—DHS and the Department of Commerce—were off by six and two conversions, respectively. Internal control standards dictate that management should obtain relevant data from reliable internal and external sources on a timely basis.²⁶ Officials from three agencies said that agency political conversion numbers higher than those reported by OPM could be attributed to conversions completed without OPM prior approval. OPM added that agencies may have reported to GAO conversions completed without OPM's prior approval during the period of our review, which were actually reviewed by OPM after our period of review. On the other hand, officials from three other agencies said that agency political conversion numbers lower than those reported by OPM result from agencies not completing an OPM-approved conversion. This

²⁶GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sep. 10, 2014).

happens when either the political appointee did not accept the position or OPM rejects agencies' efforts to complete the conversion. In three separate cases, agency officials said that OPM's Qualifications Review Board did not certify the executive qualifications of the applicant, thus the conversions were not completed.²⁷ To date, OPM officials said they have not developed a process to work with agencies to seek verification of the data it has and correct any discrepancies between EHRI and agency reported data. As discussed previously, OPM has revised its procedures requiring agencies to provide information on whether or not the individual was actually appointed to the career position. However, we also found that OPM's reviews have not been able to accurately identify, in a timely manner, conversions completed without OPM's approval. By developing a process to work with agencies to verify the conversion data OPM has, and also correct any discrepancies between EHRI and agency reported data, OPM may be able to more quickly identify conversions agencies implemented without its prior approval and conduct appropriate post-appointment reviews.

In 2012, we encountered a similar problem with respect to unreliable agency training data. We recommended to OPM that it provide regular report summaries on EHRI training investment data and its reliability. This would improve the transparency and reliability of federal training investment data.²⁸ OPM acted on our recommendation and now provides agencies with that information to help ensure the quality of EHRI training data. If OPM provided regular EHRI report summaries of conversion data to agencies for review and revision as appropriate, it may be able to improve the transparency and reliability of that data. Verifying such data, along with data collected from agency conversion requests and review of personnel files, may help OPM report more timely and complete conversions request data in required reports to Congress. Following these steps can also help OPM improve its enforcement of merit system principles by obtaining data on conversions not receiving OPM's prior approval in a timely manner.

²⁷To certify an applicant's executive qualifications, OPM's Qualifications Review Board must determine that the applicant fully meets OPM's Executive Core Qualifications.

²⁸GAO, *Federal Training Investments: Office of Personnel Management and Agencies Can Do More to Ensure Cost-Effective Decisions*, [GAO-12-878](#) (Washington, D.C.; Sep. 17, 2012).

Conclusions

The ability to convert political appointees to career positions is an appropriate and valuable means of achieving a highly skilled workforce. OPM's policy requires agencies to seek prior approval from OPM before they can appoint a current or recent political appointee to a competitive or non-political excepted service position or career SES position. This requirement helps to better ensure that these conversions are meeting merit system principles and applicable civil service laws. However, agencies implemented about one-quarter of the reported political conversions without seeking OPM's approval during the period we reviewed. Agencies and OPM agree that agencies are not always certain about what encompasses political conversions subject to OPM pre-approval, and both are taking measures to help ensure compliance with OPM's policy. OPM's recently issued revised procedures to comply with its new reporting requirements should help better ensure that agencies adhere to OPM's policy for pre-appointment reviews of political conversions.

OPM has responsibility for reviewing agency requests to appoint political appointees to career positions, assessing the completeness and quality of those data when agencies submit them, and reporting that information to Congress. OPM has recognized the weaknesses in the data it has collected through its EHRI database. However, OPM is taking steps to improve its oversight of political conversions by enhancing its monitoring processes and increasing the frequency of its checks.

The newly enacted Transitions Act requires OPM to regularly report to Congress on the extent of political conversions occurring government-wide and OPM had taken steps to comply with these requirements. However, OPM's oversight processes do not capture all the conversions agencies completed without first obtaining OPM approval. Even when OPM identified these conversions, it did not do so in a timely manner. OPM may be able to further improve its conversion data by working with agencies to verify and correct information obtained from agency conversion requests. Taking such steps would enable OPM to identify potential conversions in a more timely manner and conduct a more complete review of personnel files to identify personnel actions that are political conversions. Additionally, such steps could help OPM better enforce merit system principles by more timely obtaining data on conversions completed without its prior approval, and complete the post-appointment reviews necessary to determine whether agencies followed merit system principles.

Recommendation for Executive Action

To help ensure that OPM fulfills its oversight responsibilities related to adherence to merit system principles in hiring and to help improve agencies' compliance with OPM's stated policy on conversions, the Acting Director of OPM should establish a process for agencies to verify and correct, in a timely manner, political conversion data for use in required reports to Congress on conversion requests, and to identify those conversions not receiving OPM's prior approval.

Agency Comments and Our Evaluation

We provided a draft of this report to OPM for its review and comment. In its written comments, reproduced in Appendix IV, OPM partially concurred with our recommendation. Specifically, OPM stated that it agrees with what it believes is the intent of our recommendation, to better achieve better compliance by agencies with OPM's stated policy, when an appointment involves a covered political conversion that an agency should submit the case to OPM for pre-appointment review and approval. However, OPM stated that it disagreed with our finding that OPM currently does not have a process by which it can work with agencies to seek verification of the data it has and correct any data discrepancies, and that by not having such a process, OPM cannot ensure that it has and is reporting the most accurate data to Congress, nor that agencies are adhering to OPM's policies on conversions. OPM stated that it verifies the data received from agencies as part of its political conversion review process, which includes EHRI data report queries and extensive case file analysis and follow-up research, and will continue to validate the accuracy of the data received from agencies through its political conversions review process prior to submitting the report to Congress.

We agree with OPM that it has a process for reviewing agency political conversion requests as called for in its policy that went into effect in 2010 and we provide information on that process in the report. Our report also recognizes OPM's efforts to improve its queries of political conversions data by creating a mainframe program report with an updated EHRI report that meets OPM's current requirements. However, as also stated in the report, OPM's review processes have not been able to accurately, or in a timely manner, identify conversions completed without OPM's approval. We found differences between OPM data and agency data on the total number of political conversions, some of which agencies attributed to conversions made without OPM's approval. OPM currently does not seek from agencies verification of the data OPM has already collected to correct any data discrepancies. Having agency verified data could help OPM more quickly identify conversions agencies implemented without OPM approval, thus helping to achieve better compliance with

OPM's stated policy. Having agency verified data could also help OPM ensure it is reporting timely and complete data on conversions requests in required reports to Congress. Thus, we continue to believe that OPM can further improve its data by working with agencies to verify and correct political conversions data in a timely manner. In light of OPM's comments, however, we have clarified the recommendation.

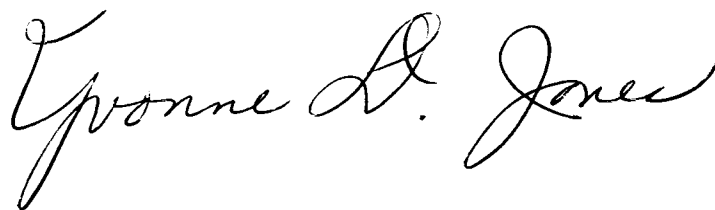
OPM also noted that the Transitions Act requires OPM to report to Congress on agency requests to appoint a current or former political appointee to a covered civil service position annually, and quarterly during a Presidential transition year, and therefore OPM will report to Congress information on requests it receives from agencies during the reporting period but not information concerning other conversion actions. We have revised our report accordingly to better reflect OPM's efforts to comply with government-wide reporting guidelines required by the Transitions Act.

OPM stated that the data GAO collected from agencies focused on all political conversions made without regard to whether a request was submitted to OPM; thus, the GAO inquiry to agencies was broader in scope than OPM's reporting mandate. OPM stated further that those instances where agencies made conversions without first seeking OPM approval do not necessarily mean that OPM data on requests are inaccurate. Because OPM could have reviewed requests after the period of our review, to address OPM's concern, we have made changes as appropriate.

OPM also provided technical comments, which we incorporated in our report, as appropriate.

We are sending copies of this report to the Acting Director of the Office of Personnel Management, as well as to the appropriate congressional committees and other interested parties. In addition, the report will be available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2717 or jonesy@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 key contributions to this report are listed in appendix V.

A handwritten signature in black ink that reads "Yvonne D. Jones". The signature is written in a cursive style with a large, stylized 'Y' and 'J'.

Yvonne D. Jones
Director, Strategic Issues

Appendix I: OPM Reviews and Approvals of Political Conversions and Number of Individuals Converted from January 1, 2010, to October 1, 2015, as Reported by OPM and 30 Agencies

Table 1: OPM Reviews and Approvals of Political Conversions and Number of Individuals Converted from January 1, 2010, to October 1, 2015, as Reported by OPM and 30 Agencies

Departments and agencies	Number of conversions reviewed by OPM	Number of conversions not reviewed by OPM	Number of conversions reviewed and approved ^a	Number of conversions reviewed and denied ^a	Number of conversions completed by agencies (with or without OPM review)
Broadcasting Board of Governors	1	0	1	0	1
Commodity Futures Trading Commission	2	0	2	0	2
Department of Agriculture	6	0	3	3	2
Department of Commerce	4	0	4	0	3
Department of Defense	5	0	5	0	5
Department of Education	3	0	2	1	2
Department of Energy	2	1	2	0	3
Department of Health and Human Services	5	0	3	2	4
Department of Homeland Security	7	3 ^b	6	1	9
Department of Housing and Urban Development	3	0	1	2	1
Department of Justice	9	0	8	1	7
Department of Labor	2	0	1	1	1
Department of State	1	0	1	0	1
Department of the Interior	4	0	4	0	3
Department of the Treasury	7	0	5	2	5
Department of Transportation	2	0	2	0	1
Environmental Protection Agency	2	0	2	0	2
Export-Import Bank	1	0	1	0	1
Federal Communications Commission	2	0	1	1	1
Federal Deposit Insurance Corporation	4	0	3	1	4
Federal Energy Regulatory Commission	3	0	2	1	2
Federal Retirement Thrift Investment Board	1	0	1	0	1
Federal Trade Commission	3	0	2	1	2
International Joint Commission	1	0	1	0	1
National Science Foundation	2	0	2	0	2
Overseas Private Investment Corporation	1	0	1	0	1
Pension Benefit Guaranty Corporation	1	0	0	1	0
Securities and Exchange Commission	2	0	1	1	1
Small Business Administration	1	0	1	0	0

Appendix I: OPM Reviews and Approvals of Political Conversions and Number of Individuals Converted from January 1, 2010, to October 1, 2015, as Reported by OPM and 30 Agencies

Departments and agencies	Number of conversions reviewed by OPM	Number of conversions not reviewed by OPM	Number of conversions reviewed and approved^a	Number of conversions reviewed and denied^a	Number of conversions completed by agencies (with or without OPM review)
Social Security Administration	1	0	1	0	1
Total	88	4	69	19	69

Source: GAO analysis of OPM and agency information. | GAO-16-859

^aIncludes OPM pre-appointment and post-appointment reviews of conversions agencies intended to take effect from January 1, 2010, to October 1, 2015.

^bIncludes one conversion agency canceled before submitting the conversion to OPM for post-appointment review.

Appendix II: Objectives, Scope and Methodology

The objectives of this engagement were to review conversions of political appointees to career positions, and the implementation and effectiveness of the Office of Personnel Management's (OPM) 2010 policy for reviewing such conversions.¹ Specifically, this report describes: (1) the number of conversions of political appointees to career positions reported by executive branch agencies from January 1, 2010, to October 1, 2015, the characteristics of the political positions previously held by these individuals, and the career positions to which they were converted; (2) the extent to which agencies complied with OPM requirements to receive approval before making such conversions and the results of that approval process; and (3) the status of OPM's efforts to comply with government-wide reporting requirements required by the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.²

For the purpose of this review, we defined political appointees as those appointed to positions in one of six categories: Schedule C, noncareer Senior Executive Service (SES), limited-term SES, limited-emergency SES, presidential appointees (including executive level and noncareer ambassadors), and noncareer legislative branch. We excluded from our review conversions from limited-term SES and limited-emergency SES where the appointee was a career employee prior to being appointed to the noncareer position from which he or she was converted. We identified three categories of career positions appointments: career-conditional/career (competitive service), career (SES), and career excepted service (non-Schedule C). Definitions of these political and career positions can be found in the background section of this report, and are similar to those covered in our June 2010 report.³ The types of current or former political appointees whose career conversion was subject to OPM's pre-appointment review under OPM's November 2009

¹See OPM, *Political Appointments and Career Civil Service Positions*, Nov. 5, 2009. OPM implemented the revised policy outlined in this memorandum in January 2010.

²Pub. L. No. 114-136, § 4, 130 Stat. 301, 305-307 (Mar. 18, 2016).

³GAO, *Personnel Practices: Conversions of Employees from Political to Career Positions, May 2005-May 2009*, [GAO-10-688](#) (Washington, D.C.: June 28, 2010).

guidance was not as extensive as the definition we used in this report.⁴ However, this variance in scope did not result in a difference between what agencies gave OPM to review and what those agencies subsequently provided us. For example, although not specifically under OPM's pre-appointment review guidance, conversion actions involving one current and two former Presidential appointees subject to Senate confirmation were submitted to OPM for review and were approved. Also, two were implemented during the scope of our review. Additionally, a conversion action involving a current noncareer legislative branch appointee was also reviewed and approved by OPM. However, OPM does not subject conversions involving legislative branch employees to its pre-appointment review.⁵

In selecting the executive branch departments and agencies for this review, we looked at all agencies that submitted requests to OPM for pre-approval of proposed appointments of political appointees to career positions from January 1, 2010, to October 1, 2015; this time period begins with the implementation of OPM's January 2010 policy requiring OPM's prior approval of all conversions of current or recent appointees to competitive or non-political excepted service positions. The time period continues through the end of fiscal year 2015—the last full fiscal year before the beginning of our performance audit. Under this criterion, we identified 30 departments and agencies, which are listed in appendix I.

To address our objectives, we obtained data from OPM on the number of reviews of agency requests to convert political appointees to career positions from January 1, 2010 to October 1, 2015. We also obtained OPM data on the number of conversion requests approved by OPM, and the number of approved cases where agencies proceeded to hire political appointees. According to OPM data, 30 agencies had requested OPM's

⁴For example, OPM's guidance did not require pre-approval for conversion actions involving former or current noncareer legislative branch employees. Additionally, OPM's guidance limited the review of conversion actions involving current or former presidential appointees to actions involving presidential appointees who were appointed under Schedule A authorities, which is only one type of presidential appointment authority. Presidential appointees may also be appointed under authority of specific legislation which authorizes the position and may, or may not, require Senate confirmation.

⁵The agency seeking to hire the legislative branch employee did not complete the conversion of the employee.

approval for at least one conversion during the same period. We then asked each of these 30 agencies to corroborate (1) the number of requests agencies made to OPM to convert employees from political to career positions and (2) the number of conversions agencies completed during the time period of our review. We determined that 16 of 30 agencies reported they implemented the same number of conversions as OPM reported for these agencies. Seven agencies reported a number higher than what OPM reported. Seven agencies reported a lower number. Based on that determination, we subsequently requested documentation from OPM and each of the seven agencies to reconcile such discrepancies. We then asked each of these 30 agencies to verify the number of political appointees actually converted to career positions. To assess the reliability of the data that OPM and the agencies provided, we examined the data for obvious errors and inconsistencies. We also queried OPM and the agencies to better understand the data systems OPM and each agency used to collect and report such data, as well as the quality of data entered into their system(s).

Additionally, we asked agencies to provide missing information on conversion cases originally identified by OPM. We also asked them for documentation on any conversions of political appointees that occurred during a 7-month period between the time frame of our prior work on conversions and that of this review (June 1, 2009, to December 31, 2009).⁶ Based on submitted documentation, we determined that no conversions occurred during the 7-month period. To assess the reliability of OPM and agency conversion data, we sent questionnaires to OPM and all 30 agencies identified by OPM as submitting conversion requests during the review period to submit information describing how they collect, store and update conversion data and explaining limitations in the use of such data. We determined that political conversion data provided by agencies for the period of January 1, 2010, to October 1, 2015 are sufficiently reliable for the purposes of this report.

⁶The 7-month period (June 1, 2009, to December 31, 2009) lies between the scope of our prior review of conversions (May 1, 2005, to May 30, 2009) and the scope of this review (January 1, 2010, to October 1, 2015). We did not include the 7-month period in our review because this report focuses only conversions reviewed by OPM and/or taking place after OPM's revised guidance was implemented in January 2010. However, we decided to confirm with agencies whether or not conversions took place during the 7-month period.

We asked OPM and each of the 30 agencies to identify instances during the period of our review when agencies converted political appointees to career positions without first obtaining OPM approval. We also asked them to describe the outcomes of OPM post-appointment reviews of these conversions, including any corrective actions requested by OPM and acted on by agencies. We did not assess the sufficiency of OPM's post-appointment reviews or subsequent actions taken by agencies as this was outside the scope of our review. In cases where OPM did not review agency conversions at any point, we asked OPM and the agency why OPM had not reviewed these conversions. We determined that the conversion data from both OPM and agencies were sufficiently reliable for the purposes of this engagement. Appendix I lists the 30 departments and agencies we reviewed, the number of conversions reviewed and approved by OPM, and the number of conversions completed by agencies.

We reviewed relevant OPM documents and interviewed OPM officials charged with administering OPM's political appointment conversion review procedures to better understand how OPM monitors conversions that agencies have completed. This includes those conversions not reviewed by OPM prior to appointment. We also obtained relevant documentation from OPM and agencies, and interviewed OPM officials to identify steps they have taken to enhance their processes for identifying and reviewing conversions of political appointees.

We also extracted lists of potential conversions from OPM's Enterprise Human Resources Integration (EHRI) system to independently (1) validate the number of political conversions covered in the scope of our review that took place from January 1, 2010, through September 30, 2014;⁷ and (2) determine the number of political conversions that took place between June 1, 2009, and December 31, 2009, which was excluded from the scope of this review. To determine how to identify political conversions in EHRI data that are potentially subject to OPM's review, we reviewed relevant guidance from OPM on political conversions, and analyzed a copy of OPM's mainframe program used to

⁷We originally intended to validate the number of political conversions taking place from January 1, 2010, to October 1, 2015. However, we did not have access to fiscal year 2015 EHRI data for this report. Consequently, we could not validate conversions reported by OPM as taking place during fiscal year 2015.

search EHRI during OPM's post-conversion review process. We also interviewed knowledgeable OPM officials about what constitutes a political conversion within the scope of OPM's review, and consulted with GAO attorneys and research methodologists about what constitutes a political conversion. Finally, we distilled conclusions obtained from the steps listed above into an analysis plan to frame our methodology for identifying potential political conversions within EHRI data. However, we could not determine a way to reliably identify political conversions within the scope of OPM's review using queries of EHRI data alone. What constitutes a political conversion within the scope of OPM's review may depend on the individual facts and circumstances of each case. This can require assessing a person's employment history and the nature of the career position sought. At times, the information available within EHRI is insufficient for this purpose. As a result of our analysis of EHRI data, we relied principally on corroboration from agencies and review of agency documentation to validate the number of conversions of political appointees reported by OPM during the scope of our review.

We conducted this performance audit from January 2016 to September 2016 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 III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Table 2: Characteristics of Agency Conversions of Political Appointees to Career Positions Completed from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Department of Agriculture				
Deputy Assistant Secretary Office of the Secretary Department of Agriculture	Noncareer Senior Executive Service (SES) ES-0301-00/00 \$150,000	Deputy Director, Office of Human Resources Management Division Departmental Management Department of Agriculture	Career SES ES-0201-00/00 \$168,270	12/16/2012
Executive Director Oklahoma State Office Farm Service Agency Department of Agriculture	Schedule C GS-0301-15/4 \$122,937	Supervisory Program Manager Regional Office Director Oklahoma Regional Office Risk Management Agency Department of Agriculture	Career Competitive GS-0340-14 \$128,233	8/9/2015
Department of Commerce				
Deputy Associate Administrator Office of Field Operations Small Business Administration	Schedule C GS-0340-15/08 \$142,227	Supervisory Public Affairs Specialist Public Affairs and Media Events Public Information Office Bureau of the Census Department of Commerce	Career Competitive GS-1035-14/10 \$136,771	5/8/2011
Deputy Assistant Secretary for Services International Trade Administration Department of Commerce	Noncareer SES ES-0301-00/00 \$155,000	Deputy Under Secretary of International Trade International Trade Administration Department of Commerce	Career SES ES-1101-00/00 \$175,150	11/3/2013
Special Assistant Office of the Administrator Rural Business-Cooperative Service Rural Development Department of Agriculture	Schedule C GS-301-12 \$70,095	Congressional Affairs Specialist Office of Congressional and Intergovernmental Affairs Directorate of Communications Bureau of the Census Department of Commerce	Career Competitive GS-301-12 \$76,378	9/21/2015
Department of Defense				

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Assistant Director of National Intelligence Chief Information Officer Office of the Director of National Intelligence	PAS \$179,700	Special Command Advisor Information Assurance and Cyber Security U.S. Cyber Command U.S. Strategic Command Department of Defense	Career SES ES-0301-00 \$143,600	5/20/2012
Director, Administration and Management Privacy and Civil Liberties Office of the Secretary of Defense Department of Defense	Noncareer SES ES-0301-00/00 \$165,300	Director, Administration and Management Privacy and Civil Liberties Office of the Secretary of Defense Department of Defense	Career SES ES-0301-00/00 \$165,300	1/13/2013
Administrator Research and Innovative Technology Administration Department of Transportation	PAS EX-0301-03/00 \$162,900	Director, Planning and Performance Management Office of the Deputy Chief Management Officer Department of Defense	Career SES ES-0340-00/00 \$165,300	1/14/2013
Special Advisor to the Secretary of the Army Installations, Energy & Environment Office of the Secretary of the Army Department of the Army	Schedule C GS-0343-14/01 \$105,211	Associate Deputy General Counsel Installations, Environment, & Civil Works Office of General Counsel Department of the Army Department of Defense	Career Excepted GS-0905-14 \$105,211	1/14/2013
Attorney Advisor (General) Office of General Counsel Office of the Secretary of the Navy Department of the Navy	Schedule C GS-905-15 \$158,700	Attorney Advisor (Senior Trial Attorney) Office of General Counsel Office of the Secretary of the Navy Department of the Navy Department of Defense	Career Excepted GS-0905-15 \$134,662	9/20/2015
Department of Education				
Special Assistant Office of Planning, Evaluation, and Policy Development Department of Education	Schedule C GS-0301-15/01 \$110,363	Statistician (Education) Institution of Educational Sciences Department of Education	Career Competitive GS-1530-14/09 \$133,264	11/7/2010

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Confidential Assistant Office of Legislation and Congressional Affairs Department of Education	Schedule C GS-0301-11/03 \$66,630	Education Program Specialist Office of English Language Acquisition Department of Education	Career Competitive GS-1720-12/01 \$74,872	3/13/2011
Department of Energy				
Senior Advisor, Immediate Office of the Assistant Secretary Assistant Secretary for Fossil Energy Department of Energy	Schedule C GS-0301-15/10 \$153,200	Technical Writer-Editor Office of Communications Chief Operating Officer Assistant Secretary for Fossil Energy Department of Energy	Career Competitive GS-1083-14/10 \$136,771	1/30/2011
Director Office of Communications and External Affairs Office of Congressional and Intergovernmental Affairs Office of Environmental Management Department of Energy	Noncareer SES ES-0301-00 \$151,000	Chief Operating Officer Office of Congressional and Intergovernmental Affairs Office of the Assistant Secretary Department of Energy	Career SES ES-0340-00 \$160,060	3/11/2012
Staff Assistant Office of the General Counsel Immediate Office of the General Counsel Department of Energy	Schedule C GS-0301-10/1 \$56,857	Trial Attorney Office of the General Counsel Deputy General Counsel for Litigation and Enforcement Assistant General Counsel for Litigation Department of Energy	Career Excepted GS-0301-12/1 \$75,621	2/9/2014
Department of Health and Human Services				
Trip Coordinator Office of the Secretary Department of Energy	Schedule C GS-0301-07/2 \$43,616	Health Insurance Specialist Centers for Medicare and Medicaid Services Department of Health and Human Services	Career Competitive GS-0107-09/1 \$51,630	4/8/2012
Regional Administrator, Boston Office Federal Emergency Management Agency Department of Homeland Security	Noncareer SES ES-0340-00/00 \$165,000	Director Office of Preparedness & Emergency Headquarters Department of Health and Human Services	Career SES ES-0301-00/00 \$179,700	9/9/2012

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Senior Advisor Food and Drug Administration Department of Health and Human Services	Schedule C GS-0301-15/05 \$141,660	Senior Advisor for Oversight Food and Drug Administration Department of Health and Human Services	Career Competitive GS-0301-15/05 \$141,660	12/14/2014
Legislative Affairs Specialist Office of the Secretary Department of Commerce	Schedule C GS-0301-14/04 \$118,957	Supervisory Attorney-Advisor Office of the Secretary Office of the Assistant Secretary for Legislation Department of Health and Human Services	Career Excepted GS-0905-15-01 \$126,245	6/28/2015
Department of Homeland Security				
Confidential Assistant to the Deputy Chief of Staff National Protection and Programs Directorate Department of Homeland Security	Schedule C GS-07/09 \$41,210-\$51,630	Cyber Security Planner National Protection and Programs Directorate Department of Homeland Security	Career Excepted GS-09/12 \$51,630-\$78,142	7/2/2010
Special Assistant to the Director and Deputy Director Federal Emergency Management Agency Department of Homeland Security	Schedule C GS-11 \$55,706	Program Analyst Federal Emergency Management Agency Department of Homeland Security	Career Competitive GS-11 \$74,872	9/26/2010
Confidential Assistant Congressional Affairs Division Defense Intelligence Agency U.S. Army Department of Defense	Schedule C GS-0301-13 \$82,961	External Affairs Specialist (Stakeholder Relations) Regional Office, Office of External Affairs Federal Emergency Management Agency Department of Homeland Security	Career Competitive GS-0301-13/04 \$96,020	11/7/2010
Director of Communications Immigration and Customs Enforcement Department of Homeland Security	Schedule C GS-15 \$140,969-\$149,993	Supervisory Public Affairs Specialist Immigration and Customs Enforcement Department of Homeland Security	Career Competitive GS-15 \$144,385	11/7/2010
Principal Director Countering Weapons of Mass Destruction Office of the Secretary of Defense Department of Defense	Noncareer SES ES-0301-00 \$162,900	Deputy Under Secretary for Science and Technology Office of Science and Technology Department of Homeland Security	Career SES ES-0340-00 \$179,700	7/31/2011

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Regional Administrator Federal Emergency Management Agency Department of Homeland Security	Noncareer SES ES-0340-00 \$160,000	Superintendent Emergency Management Institute National Training and Education Protection and National Preparedness Department of Homeland Security	Career SES ES-0340-00 \$176,000	5/6/2012
Officer of Civil Rights and Civil Liberties Office of the General Counsel Department of Homeland Security	Noncareer SES ES-0340-00/00 \$162,029	Associate General Counsel For National Protection and Programs Directorate Office of the General Counsel Department of Homeland Security	Career SES ES-0905-00/00 \$168,500	3/24/2013
Deputy Assistant Secretary of Defense & Director, Office of the Secretary of Defense Field Activity/Agency Federal Emergency Management Agency Department of Homeland Security	Noncareer SES ES-301-15 \$146,600	Federal Preparedness Coordinator (Comp Svc) Federal Emergency Management Agency Department of Homeland Security	Career SES GS-301-15 \$176,000	11/16/2014
Assistant Administrator, National Continuity Federal Emergency Management Agency Department of Homeland Security	Noncareer SES ES-0301-00 \$158,700	Assistant Administrator, Response Federal Emergency Management Agency Department of Homeland Security	Career SES ES-0343-00 \$170,000	8/23/2015
Department of Housing and Urban Development				
Principal Deputy General Counsel Office of the General Counsel Department of Housing and Urban Development	Noncareer SES ES-1101-00/00 \$179,700	Associate General Counsel for Finance and Administrative Law Office of the General Counsel Department of Housing and Urban Development	Career SES ES-0905-00/00 \$179,700	9/8/2013
Department of Justice				
Deputy Solicitor for Parks and Wildlife Department of the Interior	Noncareer SES ES-0905-00 \$155,000	Chief Natural Resources Section Environmental and Natural Resources Division Department of Justice	Career SES ES-0905-00 \$167,400	5/8/2011

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Counsel Office of the Deputy Attorney General Department of Justice	Schedule C GS-0905-14/10 \$136,771	Attorney Advisor Office of Legal Counsel Department of Justice	Career Excepted GS-0905-14/10 \$136,771	7/3/2011
Senior Counselor Office of Congressional and Intergovernmental Affairs Department of Labor	Schedule C GS-0301-15/5 \$140,259	General Attorney Office of General Counsel Federal Bureau of Investigation Department of Justice	Career Excepted GS-0905-15/5 \$140,259	9/23/2012
Deputy Director Office of Intergovernmental and Public Liaison Department of Justice	Schedule C GS-0301-15/2 \$119,161	Attorney Advisor Office of Intelligence and Policy Review National Security Division Department of Justice	Career Excepted GS-0905-15/6 \$144,385	12/16/2012
Counsel Office of the Assistant Attorney General Department of Justice	Schedule C GS-0905-15/5 \$140,259	Trial Attorney Civil Rights Division Housing & Civil Enforcement Department of Justice	Career Excepted GS-0905-15/5 \$140,259	9/22/2013
Deputy General Counsel for Policy Office of the General Counsel Office of Personnel Management	Noncareer SES ES-905-00/00 \$163,250	Supervisory Trial Attorney (Deputy Chief) Appellate Section Civil Rights Division Department of Justice	Career Excepted GS-905-15 \$157,100	11/2/2014
Special Assistant (Legal) Consumer Product Safety Commission	Schedule C GS-0301-15/01 \$123,758	Trial Attorney Organized Crime and Gangs Section Criminal Division, Office, Boards and Divisions Department of Justice	Career Excepted GS-0905-15 \$134,662	4/5/2015
Department of Labor				
Senior Policy Advisor Office of the Assistant Secretary for Policy Department of Labor	Schedule C GS-0301-15/4 \$136,134	Deputy Assistant Secretary Office of the Assistant Secretary for Policy Immediate Office Department of Labor	Career SES ES-0301-00/00 \$159,000	3/24/2013
Department of State				

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Senior Advisor Office of the Assistant Secretary Bureau of Western Hemisphere Affairs Department of State	Schedule C GS-0130-15/09 \$153,053	Foreign Affairs Officer Office of Andean Affairs Bureau of Western Hemisphere Affairs Department of State	Career Competitive GS-0130-13/10 \$115,742	1/15/2012
Department of the Interior				
Science Advisor to the Director Bureau of Ocean Energy Management Regulation and Enforcement Department of the Interior	Schedule C GS-0301-15/05 \$140,259	Chief Environmental Officer Bureau of Ocean Energy Management Department of the Interior	Career SES ES-0340-00 \$150,077	11/20/2011
Chief of Staff Bureau of Safety and Environmental Enforcement Department of the Interior	Noncareer SES ES-0301-00 \$160,000	Chief Of Staff Bureau of Safety and Environmental Enforcement Department of the Interior	Career SES GS-0301-15/10 \$155,500	12/18/2011
Chief of Staff Office of the Director Fish and Wildlife Service Department of the Interior	Noncareer SES ES-0301-00/00 \$165,000	Assistant Director for External Affairs Office of the Deputy Director for Program Management & Policy Fish and Wildlife Service Department of the Interior	Career SES ES-0340-00/00 \$165,300	11/17/2013
Department of the Treasury				
Senior Advisor for Investigative Programs Office of the Inspector General Department of the Treasury	SES Limited-term ES-0301-00 \$135,000	Assistant Inspector General for Management Office of Inspector General Department of the Treasury	Career SES ES-0301-00 \$165,000	7/3/2011
Special Assistant U.S.- China Strategic and Economic Dialogue Office of International Affairs Department of the Treasury	Schedule C GS-0301-12/1 \$74,872	International Economist Office of Trade and Investment Policy Office of International Affairs Department of the Treasury	Career Competitive GS-0110-12/2 (FPL GS-14) \$77,368	8/12/2012
Special Assistant (Legal) Office of Commissioner Consumer Product and Safety Commission	Schedule C GS-0301-15/10 \$155,500	Attorney Adviser Office of the Assistant General Counsel for General Law, Ethics, and Regulation Office of General Counsel Department of the Treasury	Career Excepted GS-0905-15/10 \$155,500	10/21/2012

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Administrative Assistant to the Commissioner Commodities Futures Trading Commission Office of the Commissioner	Schedule C CT-0301-11/00 \$78,019	Secretary (OA) Agency Wide Shared Services Office of Procurement Office of the Director Internal Revenue Service Department of the Treasury	Career Competitive GS-0318-10/10 \$74,654	6/16/2013
Senior Counsel Department of Justice	Schedule C GS-905-15/4 \$136,134	Assistant General Counsel (Enforcement and Intelligence) Office of General Counsel, Enforcement and Intelligence Department of the Treasury	Career SES ES-0905-00/00 \$165,974	4/6/2014
Department of Transportation				
Director Office of Communication National Transportation Safety Board	Noncareer SES ES-0340-00 \$159,497	Associate Administrator of Enforcement National Highway Traffic and Safety Administration Department of Transportation	Career SES ES-0340-00 \$167,500	10/23/2011
Broadcasting Board of Governors				
Special Assistant Bureau of Public Affairs Department of State	Schedule C GS-0301-15/10 \$155,500	Director Office of Communications and External Relations International Broadcasting Bureau Broadcasting Board of Governors	Career SES ES-0301-00 \$165,500	2/5/2012
Commodity Futures Trading Commission				
Office of the Secretary Immediate Office, Asst. Secretary for Cong. Relations	Noncareer SES ES-0301-00 \$149,350	Dep. Dir. Office of Legislative Affairs Office of the Chairman Office of Legislative Affairs Commodity Futures Trading Commission	Career-Conditional Competitive CT-0301-15 \$172,000	11/2/2014
Special Assistant Employee Benefits Security Administration Department of Labor	Schedule C GS-0301-12/01 \$74,872	Consumer Outreach Specialist Office of the Executive Director Consumer Outreach Division Commodity Futures Trading Commission	Career Competitive CT-0301-13 \$98,000	2/9/2015
Environmental Protection Agency				

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Associate Administrator for Government, International and Public Affairs Pipeline and Hazardous Materials Safety Administration Department of Transportation	Schedule C GS-0301-15/02 \$127,883	Public Affairs Specialist Office of Media Relations Office of External Affairs and Environmental Education Office of the Administrator Environmental Protection Agency	Career Excepted GS-1035-13 \$115,742	5/21/2012
Regional Administrator Kansas City Regional Office Office of Field and Policy Management Department of Housing and Urban Development	Schedule C GS-0301-15/8 \$140,274	Assistant Regional Administrator Region 8 Office of Partnerships and Regulatory Assistance Environmental Protection Agency	Career SES ES-0340-00/00 \$148,690	11/18/2012
Export-Import Bank				
Executive Secretary Export-Import Bank	Schedule C GS-301-13/5 \$101,914	Supervisory Financial Specialist Export-Import Bank	Career Competitive GS-501-14/2 \$109,804	4/20/2014
Federal Communications Commission				
Chief Information Officer Small Business Administration	Schedule C GS-2210-15/10 \$155,500	Chief Information Officer Federal Communications Commission	Career SES ES-0301-00 \$169,000	4/15/2011
Federal Deposit Insurance Corporation				
Deputy Assistant Secretary for Appropriations and Management Internal Revenue Service Department of the Treasury	Noncareer SES ES-0301-00 \$145,500	Legislative Advisor Federal Deposit Insurance Corporation	Career Competitive CG-0301-15-00 \$183,296	3/29/2010
Director, Office of Public Affairs Federal Deposit Insurance Corporation	Schedule C EM-1035-00/00 \$190,146	Deputy to the Chairman for Communications Office of the Chairman Federal Deposit Insurance Corporation	Career Competitive EM-0301-00/00 \$228,737	6/17/2012
Special Assistant to the Secretary Deputy Secretary Department of Housing and Urban Development	Schedule C GS-0301-15/7 \$148,510	Senior Policy Analyst Division of Depositor and Consumer Protection Federal Deposit Insurance Corporation	Career Competitive CG-0301-15/00 \$157,446	3/24/2013

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Deputy Chief of Staff Export-Import Bank	Schedule C GS-0301-14/7 \$126,251	Resolution Planning and Implementation Specialist Office of Complex Financial Institutions Systemic Resolutions Planning and Implementation Group Federal Deposit Insurance Corporation	Career Competitive CG-1101-13/00 \$126,251	9/23/2013
Federal Energy Regulatory Commission				
Deputy Director Office of External Affairs Federal Energy Regulatory Commission	Schedule C GS-0301-15/03 \$132,009	Director Government Affairs Division Office of External Affairs Federal Energy Regulatory Commission	Career Competitive GS-0301-15/03 \$132,009	3/11/2012
Confidential Assistant Office of the Chairman Federal Energy Regulatory Commission	Schedule C GS-0301-13/4 \$97,936	Management Analyst Administration and Operations Staff Office of Electric Reliability Federal Energy Regulatory Commission	Career Competitive GS-0343-12/10 \$97,333	9/22/2013
Federal Retirement Thrift Investment Board				
Deputy Commissioner for Communications Social Security Administration	Noncareer SES ES-0301-00/00 \$179,700	Director of Communications and Education Office of the Executive Director Federal Retirement Thrift Investment Board	Career SES ES-0301-00/00 \$165,300	9/9/2013
Federal Trade Commission				
Director Office of Policy Planning Federal Trade Commission	Noncareer SES ES-0905-00/00 \$162,000	Attorney (Trade Regulation), Western Regional Office Federal Trade Commission	Career Excepted GS-0905-15/10 \$155,500	7/1/2012
Deputy Director Bureau of Consumer Protection Federal Trade Commission	Noncareer SES ES-0905-00/00 \$171,500	Supervisory General Attorney Seattle Regional Office Bureau of Consumer Protection Federal Trade Commission	Career Excepted GM-0905-15/00 \$155,500	12/5/2013
International Joint Commission				
Policy Advisor Office of the Chairman International Joint Commission U.S. Section	Schedule C GS-0301-14/07 \$126,119	Public Affairs Specialist Great Lakes Regional Office International Joint Commission U.S. Section	Career Competitive GS-1035-13/10 \$115,621	8/29/2010
National Science Foundation				

Appendix III: Agency Conversions of Political Appointees to Career Positions from January 1, 2010, to October 1, 2015

Political Appointee		Career Position		
Title, office, and agency	Type of political appointment, grade, and salary	Title and office	Type of career appointment, grade and salary	Date converted
Division Director Division of Astronomical Sciences National Science Foundation	Noncareer SES ES-1301-00/00 \$176,200	Division Director, Division of Astronomical Sciences Directorate for Mathematical and Physical Sciences National Science Foundation	Career SES ES-1301-00 \$176,200	3/23/2014
Director, Office of Legislative and Intergovernmental Affairs National Oceanic and Atmospheric Administration Department of Commerce	Noncareer SES ES-0301-00/00 \$156,000	Head, Office of Legislative and Public Affairs National Science Foundation	Career SES ES-0301-00 \$175,000	7/12/2015
Overseas Private Investment Corporation				
Managing Director Investment Development and Coordination Overseas Private Investment Corporation	Administratively Determined AD-1101-00/00 \$164,830	Vice President Insurance Department Overseas Private Investment Corporation	Career SES SL-1101-00/00 \$173,000	8/12/2012
Securities and Exchange Commission				
Confidential Assistant Division of Investment Securities and Exchange Commission	Schedule C SK-0301-10/00 \$76,000	Supervisory Program Support Specialist Administrative Office Division of Investment Management Securities and Exchange Commission	Career Competitive SK-0301-11/00 \$82,575	9/23/2012
Social Security Administration				
General Counsel Merit Systems Protection Board	Schedule C GS-0905-15/10 \$155,500	Counsel to the Inspector General Office of the Inspector General Social Security Administration	Career SES ES-0905-00 \$171,050	7/12/2010

Source: GAO analysis of OPM and agency information. | GAO-16-859

Legend:

- AD: Administratively determined; rate set by agency.
- CG: Corporate Grade. Code is for use by the Federal Deposit Insurance Corporation only.
- EM: Executive Grade. Code is for use by the Federal Deposit Insurance Corporation only.
- ES: Senior Executive Service
- EX: Executive Schedule
- FPL: Full performance level
- GM: Employees covered by the Performance Management and Recognition System
- GS: General Schedule
- PAS: Presidential Appointee in a Position Requiring Senate Confirmation

**Appendix III: Agency Conversions of Political
Appointees to Career Positions from January
1, 2010, to October 1, 2015**

SK: Securities Exchange Commission individuals formerly under the GS, GM and EZ pay plans. Code is for use by the Securities and Exchange Commission only.

SL: Senior level positions

OPM and agency did not provide information on grade and salary.

Appendix IV: Comments from the Office of Personnel Management



Merit System
Accountability and
Compliance

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

SEP 23 2016

Mr. Clifton G. Douglas, Jr.
Assistant Director
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Douglas:

Thank you for providing us the opportunity to respond to the U.S. Government Accountability Office (GAO) draft report, *Office of Personnel Management: Actions are Needed to Help Ensure the Accuracy of Political Conversion Data and Adherence to Policy*, GAO-16-859, GAO job code number 100810.

We recognize that even the most well-run programs benefit from external evaluations and we appreciate your input as we continue to enhance our programs. The response to your recommendation is provided below.

Recommendation:

To help ensure the accuracy of OPM's reporting to Congress on current or recent political appointees to covered civil service positions, the Acting Director of OPM should establish a process to verify and correct political conversions data received from agencies.

Management Response:

OPM partially concurs.

We agree with what we believe is the intent of GAO's recommendation, to achieve better compliance by agencies with OPM's stated policy, when an appointment involves a covered "political conversion," that an agency should submit the case to OPM for pre-appointment review and approval. (We note that although the term "political conversion" is used as a sort of shorthand, these processes actually involve new appointments to positions in the career civil service, pursuant to a new selection process.)

We do not agree with GAO's finding that "OPM currently does not have a process by which it can work with agencies to seek verification of the data it has and correct any data discrepancies. By not having such a process, OPM cannot ensure that it has and is reporting the most accurate data to Congress, nor that agencies are adhering to OPM's policies on conversions."

Mr. Clifton G. Douglas, Jr.

2

The Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, which was enacted in March 2016, requires OPM to report to Congress on agency *requests* to appoint a current or former political appointee to a covered civil service position, annually, and quarterly during a Presidential transition year. Therefore, OPM reports to Congress information on the *requests* it receives from agencies during the reporting quarter or year, as applicable.

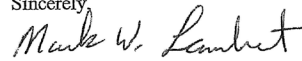
OPM verifies the data received from agencies as part of its political conversion review process, which includes the Enterprise Human Resources Integration (EHRI) data report queries and extensive case file analysis and follow-up research. OPM will continue to validate the accuracy of the data received from agencies through its political conversion review process prior to submitting the report to Congress.

In contrast, the data GAO collected from agencies focused on all political conversions made, without regard to whether a request was submitted to OPM; thus, the inquiry to agencies was broader in scope than OPM's mandate. Those instances where agencies made conversions without first seeking OPM approval do not necessarily mean that OPM data on *requests* is inaccurate. We also note that those agencies that fail to comply with OPM's policy to require them to submit such requests when a covered situation arises still face the possibility of subsequent corrective action by OPM, as a result of audit, or legal challenges if their selection processes were not conducted in accordance with operative law.

Nevertheless, OPM is pleased that GAO has recognized in its report steps we have taken to improve the political conversion review process and work with agencies to increase awareness and understanding of OPM policy. Specifically, OPM has posted informational memoranda and reminders about our process on the Chief Human Capital Officers Council (CHCO) website, periodically updated our Frequently Asked Questions on our own website, responded to inquiries submitted through our political conversion electronic mailbox, presented our political conversion process at a February 2016 CHCO Academy learning session and continued our dialog with Agencies about political conversions during our oversight activities.

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Ana A. Mazzi, Deputy Associate Director, Merit System Accountability and Compliance, at (202) 606-4309 or ana.mazzi@opm.gov.

Sincerely



Mark W. Lambert
Associate Director

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Yvonne D. Jones, (202) 512-2717 or jonesy@gao.gov

Staff Acknowledgments

In addition to the contact named above, Clifton G. Douglas, Jr., Assistant Director; Colleen Corcoran; Karin Fangman; Mark Ryan; Cynthia Saunders; and Albert Sim made key contributions to this report. Robert Gebhart, Ellen Grady, John Hussey, Stewart Small, Kiki Theodoropoulos and Gregory Wilmoth also provided assistance.

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