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May 25, 2006

Ms. Linda M. Springer
Director
Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000

Dear Director Springer:

We are writing to bring to your attention a Government Accountability Office report that reveals a number of apparently improper conversions of political appointees to career government employees. Such improper conversions, which occur through unfair competitive advantages given to political appointees, are a threat to the civil service system both because they implant less qualified personnel into the government and because they tarnish the integrity of the federal merit-based hiring system. We ask that you review these improper conversions and recommend agency action to correct any hiring improprieties that have taken place. We also ask that you consider OPM's procedures to determine if current safeguards are sufficient to prevent improper conversions from occurring in the future.

GAO's review, which covered approximately the first four years of the Bush Administration, found that while the majority of conversions were conducted within existing authorities, merit-based hiring practices were violated in 18 cases. In these cases, GAO faulted agencies for hiring appointees over more qualified competitors, creating career positions for specific appointees, or failing to apply veteran's preference rules when they would have resulted in the appointee not being selected.

The 18 instances of "burrowing in" occurred in seven departments and independent agencies. In one case, a long-time aide to the Secretary of Health and Human Services was given a career position, which was created specifically to match the appointee's work experience. In another case, an appointee at FEMA, who had "limited experience," was selected for a career position over another candidate who had "over 10 years of relevant emergency management experience."[1]

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[1] Government Accountability Office, *Conversions of Employees from Noncareer to Career Positions May 2001–April 2005* (May 1, 2006).

To remedy these improper conversions, GAO recommends that OPM "review the 18 conversions [GAO] identified where it appears that certain agencies did not use appropriate authorities and/or follow proper procedures in making these conversions and determine whether additional actions are needed."[2]

While we reiterate this recommendation, we are concerned that this step alone will not address the shortcomings in OPM's existing oversight of conversions. GAO's report showed that of the 18 improper conversions, 7 had already been subject to OPM review through existing procedures, but were nonetheless allowed to proceed.[3] Therefore we urge OPM to consider whether its procedures for review and approval of noncareer to career conversions are sufficient to prevent further abuses.

In addition, because OPM does not review conversions within the "excepted service" — which includes civilian employees in selected agencies related to intelligence, law-enforcement, foreign service, and the postal service — GAO was unable to make a determination as to whether such conversions are in compliance with the agencies' competitive-hiring policies. GAO therefore recommends that OPM "determine whether conversions to career excepted service positions should be subject to OPM review — such as through the pre-appointment review OPM conducts of other conversions during presidential election periods, and/or during OPM's periodic audits of agencies' examining and hiring activities, and if so, determine what information agencies should provide on such conversions."[4]

The merit-based federal workforce is critical to ensuring a competent government that will enforce laws consistently across administrations. That mission is jeopardized when political appointees receive favoritism in the selection process. We urge you follow GAO's recommendations and take every measure to ensure that federal hiring remains fair and competitive.

Sincerely,

Henry A. Waxman
Ranking Minority Member

Danny K. Davis
Ranking Minority Member
Subcommittee on Federal Workforce and Agency Organization

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[2] *Id.*

[3] *Id.*

[4] *Id.*