
June 2003

ASSESSMENT OF PUBLIC LAW 106-303

The Role of Personnel Flexibilities in Strengthening GAO's Human Capital

**G A O**Accountability * Integrity * Reliability

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United States General Accounting Office
Washington, DC 20548

Comptroller General
of the United States

June 27, 2003

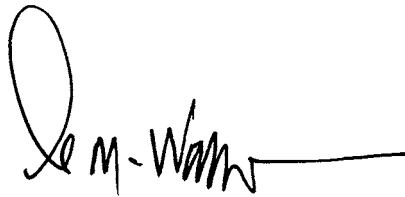
Congressional Committees

Leading public organizations here and abroad have found that strategic human capital management must be the centerpiece of any serious change management initiative and effort to transform the culture of government agencies. GAO is not immune to these challenges facing the federal government. Over the past 3 years, however, we have made considerable progress toward addressing a number of our major human capital challenges through various initiatives. While many of the initiatives were administrative in nature, the additional flexibilities that the Congress authorized in Public Law 106-303 have helped to ensure that we have the right staff, with the right skills, in the right locations to better meet the needs of the Congress and the American people.

As we approach the third anniversary of Public Law 106-303's passage, we are submitting this assessment in accordance with section 6(b) of that law. This report contains information about our use of the flexibilities authorized by section 1, Voluntary Early Retirement; section 2, Voluntary Separation Incentive Payments; and section 3, Modified Reduction in Force Procedures; and presents our recommendations on the retention of sections 1 and 2. We do not have any recommendations for modifying section 3 at this time. To the extent possible, we have provided our assessment of the effectiveness of the flexibilities in addressing the challenges we faced when we requested the legislation. We have also included information about our use of the law's senior-level provision. Lastly, we have included a summary of the responses provided by the Personnel Appeals Board, GAO's Employee Advisory Council and GAO's senior executives with regard to this report and our recommendations.

If you or members of your staff have any questions or comments about matters discussed in this report, please contact me at (202) 512-5500 or walkerd@gao.gov or Gene L. Dodaro, Chief Operating Officer, at (202) 512-5600 or dodarog@gao.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. M. Walker", followed by a horizontal line.

David M. Walker
Comptroller General
of the United States

List of Congressional Committees

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Chairman
The Honorable Robert C. Byrd
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Committee on Appropriations
United States Senate

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The Honorable Danny K. Davis
Ranking Minority Member
Subcommittee on Civil Service
and Agency Organization
Committee on Government Reform
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Introduction

The U.S. General Accounting Office exists to support the Congress in meeting its constitutional responsibilities and to help improve the performance and assure the accountability of the federal government for the benefit of the American people. Given GAO's role as a key provider of information and analyses to the Congress, maintaining the right mix of technical knowledge and subject matter expertise as well as general analytical skills is vital to achieving the agency's mission. GAO spends about 80 percent of its resources on its people. And yet, like other federal agencies, GAO has faced significant human capital challenges—challenges that if not effectively addressed, could impair the timeliness and quality of its work for its congressional clients and the American people they represent.

A number of these challenges were created by the significant reduction in the size of GAO undertaken in the mid-1990s. Specifically, from 1992 through 1997, GAO underwent budgetary cuts totaling 33 percent in constant fiscal 1992 dollars. To achieve those budgetary reductions while meeting other agency needs, GAO reduced the number of its employees 39 percent through extensive field office closings and targeted reductions in headquarters staff. To conform to the reduced budgetary ceiling, GAO then instituted a virtual hiring freeze at the entry level, cut training for all staff, suspended agencywide incentive programs, and at times used mid-level promotions as a retention strategy. Because of the reduction in hiring, the average age of the agency's workforce increased, and the retirement eligibility of staff accelerated. GAO's analyses showed that by the end of fiscal 2004, about 34 percent of all GAO employees would be eligible to retire. For upper-level staff, the proportion eligible to retire was even larger— 48 percent of all band III management-level employees and 55 percent of all Senior Executive Service members.

Thus, as at many federal agencies, GAO's human capital profile reflected a workforce that was smaller, closer to retirement, and at increasingly higher-grade levels. In addition to the succession-related concerns raised by such a profile, GAO also faced a range of skills gaps. As major policy issues have become more complex and as technology has radically altered the way the federal government conducts business, the types of skills and knowledge needed by GAO staff have been evolving, and the need for sophisticated technical skills has been increasing.

Early in his tenure, Comptroller General David Walker recognized that GAO's human capital profile and selected skills gaps presented serious challenges to GAO's future ability to serve the Congress. Comptroller General Walker also sought to have GAO become a model federal agency

and a world-class professional services organization that focuses on delivering positive results for the Congress and the country. The agency's ability to operate in an efficient, effective, and economical manner and meet the ever-changing and increasingly complex needs of the Congress could be seriously compromised if GAO's human capital challenges were not effectively addressed.

As a first step in addressing these concerns, GAO used its internal administrative authority to implement measures to improve the alignment of its human capital with the agency's overall strategic goals and objectives as contained in GAO's Strategic Plan. Subsequent to developing its first strategic plan, GAO undertook a number of major human capital initiatives, including an agencywide realignment and reorganization, an overall human capital self-assessment, the revitalization of its recruiting and college relations programs, an agencywide knowledge and skills inventory, the development of competency-based performance appraisal systems, the establishment of an Employee Advisory Council, the enhancement of GAO's employee benefit programs, a comprehensive employee feedback survey, a workforce-planning process, and the establishment of a professional development program for entry-level analysts.

In addition to these initiatives, GAO's leadership recognized that additional steps to reshape the agency's workforce were necessary and that preexisting personnel authorities did not allow the agency to address these challenges effectively. Therefore, GAO sought legislation establishing narrowly tailored flexibilities that would help to reshape the agency's workforce and recruit and retain staff with needed technical skills. Based on a sound business case, Public Law 106-303—known as the GAO Personnel Flexibilities Act—became law in October 2000. The act authorized the Comptroller General to implement the following personnel flexibilities:

1. Offer voluntary early retirement to realign the workforce to meet budgetary constraints or mission needs; correct skill imbalances; or reduce high-grade, managerial, or supervisory positions.
2. Offer separation incentive payments to realign the workforce to meet budgetary constraints or mission needs; correct skill imbalances; or reduce high-grade, supervisory, or managerial positions.

-
3. Establish modified regulations for the separation of employees during a reduction or other adjustment in force.
 4. Establish senior-level scientific, technical, and professional positions and provide those positions with the same pay and benefits applicable to the Senior Executive Service while remaining within GAO's current allocation of super-grade positions.

Implementation of the Act

After the Congress passed the act in 2000 and the President signed it into law, GAO began the process of developing regulations to implement the four authorities it established. Because stakeholder involvement is a critical component of successful human capital management, particularly when initiatives are being introduced, GAO established a standard practice to ensure employee involvement in significant agency initiatives.

GAO's standard practice involves the initial discussion and presentation of draft proposals to members of GAO's Employee Advisory Council—a panel of employees representing a variety of employee constituent groups—and also to the agency's senior executives. The Comptroller General was personally involved in the vast majority of those exchanges, which afforded an opportunity for the direct communication of employees' and managers' reactions. After the views of employees and managers were considered, further changes were made, if needed, before the draft proposal was issued to all employees for their review and consideration. Materials were posted on GAO's intranet home page, and employees were notified by E-mail that proposals were available for their review, comments, and suggestions for a period of 30 days. The documents were posted in a user-friendly format that allowed employees to access the documents and provide comments directly on any or all of the provisions. Generally, the regulations were accompanied by "Frequently Asked Questions," which elaborated on and explained the details of the provisions. The agency received 60 comments on the voluntary early retirement order, 33 on the workforce restructuring order, and 12 on the senior-level order. These comments were collected, reviewed, and carefully considered by GAO's Executive Committee prior to finalizing the regulations.

The approaches that GAO took in implementing these four flexibilities as well as the results that the agency has achieved are described in the following four sections.

Section 1: Voluntary Early Retirement

At the time the GAO Personnel Flexibilities Act was passed, GAO's workforce was sparse at the entry level and plentiful at the midlevel. The agency was concerned about its ability to support the Congress with experienced and knowledgeable staff, given the significant percentage of the agency's senior managers and analysts reaching retirement eligibility and the relatively small number of entry-level employees who were in training to replace more senior staff. The use of the voluntary early retirement authority provided in section 1 of the act is one of the tools that the agency has used to confront this serious issue—one that is facing much of the federal community.

The act allows the Comptroller General to offer voluntary early retirement to up to 10 percent of the workforce when necessary or appropriate to realign the workforce to address budgetary or mission constraints; correct skill imbalances; or reduce high-grade, supervisory, or managerial positions. This flexibility represents a proactive use of early retirement to shape the workforce to prevent or ameliorate future problems. GAO Order 2831.1, Voluntary Early Retirement, containing the agency's final regulations, was issued in April 2001 and is included in appendix I. Under the regulations, each time the Comptroller General approves a voluntary early retirement opportunity, he establishes the categories of employees who are eligible to apply. These categories are based on the need to ensure that those employees who are eligible to request voluntary early retirement are those whose separations are consistent with one or more of the three reasons for which the Comptroller General may authorize early retirements. Pursuant to GAO's regulations, these categories are defined in terms of one or more of the following criteria:

- organizational unit or subunit,
- occupational series,
- grade or band level,
- skill or knowledge requirements,
- performance appraisal average,
- geographic location, or
- other similar factors that the Comptroller General deems necessary and appropriate.

Since it is essential that GAO retain employees with critical skills as well as its highest performers, certain categories of employees have been ineligible under the criteria. Some examples of ineligible categories are employees receiving retention allowances because of their unusually high or unique qualifications; economists, because of the difficulty that the agency has experienced in recruiting them; and staff in the information

technology area. In addition, employees with performance appraisal averages above a specified level have not been eligible under the criteria.

To give the fullest consideration to all interested employees, however, any employee may apply for consideration when an early retirement opportunity is announced, even if he or she does not meet the stated criteria. The Comptroller General may authorize early retirements for these applicants on the basis of the facts and circumstances of each case. The Comptroller General or his Executive Committee designee(s) considers each applicant and makes final decisions on the basis of the institutional needs of GAO. Only employees whose release is consistent with the law and GAO's objective in allowing early retirement are authorized to retire early. In some cases, this has meant that employees' requests must be denied.

GAO held its first voluntary early retirement opportunity in July 2001. Employees who were approved for early retirement were required to separate in the first quarter of fiscal 2002. As required by the act, information on the fiscal 2002 early retirements was reported in an appendix to our 2002 Performance and Accountability Report. Another voluntary early retirement opportunity was authorized in fiscal 2003, and employees were required to separate by March 14, 2003. Table 1 provides the data on the number of employees separated by voluntary early retirement as of May 30, 2003.

Table 1: Summary Data on Voluntary Early Retirements

Applications/Status of applications	Fiscal year 2002		Fiscal year 2003		Totals	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total
Total applications submitted	78	100.0	39	100.0	117	100.0
Approved applications	72	92.3	37	94.8	109	93.1
Disapproved applications	6	7.7	2	5.1	8	6.8
Approved applications withdrawn by employees	18	23.0	12	30.7	30	25.6
Applicants separated by voluntary early retirement	54	69.3	25	64.1	79	67.5

Source: GAO.

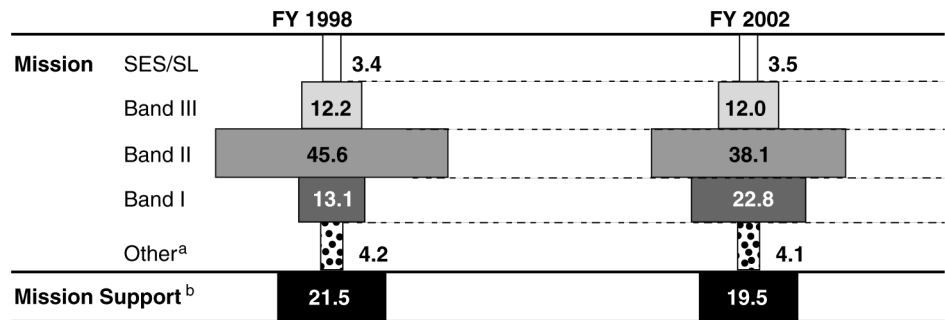
Of the 79 employees who separated from GAO through voluntary early retirement, 66, or 83.5 percent, were high-grade, supervisory, or managerial employees. High-grade, supervisory, or managerial employees are those who are in grade GS-13 or above, if covered by GAO's General Schedule, in band II or above, if covered by GAO's banded systems for

Analysts and Attorneys or in any position in GAO’s Senior Executive Service or Senior Level system.

GAO’s transformation effort is a work-in-progress and, for that reason, the agency supports additional legislation to make the voluntary early retirement provision in section 1 of Public Law 106-303 permanent. While the overall number of employees electing early retirement has been relatively small, GAO believes that careful use of voluntary early retirement has been an important tool in incrementally improving the agency’s overall human capital profile. Each separation has freed resources for another use, enabling GAO to fill an entry-level position or to fill a position that will reduce a skill gap or address other succession concerns. Importantly, these separations are accomplished voluntarily with the acquiescence of both the employee and the agency. Although GAO has made progress in improving its human capital profile, there is still work to do. GAO needs to retain its option to use this flexibility when necessary to address current and future concerns.

In making this recommendation, GAO points to its progress in changing the overall shape of the organization. As illustrated in figure 1, by the end of fiscal year 2002, GAO had almost a 74 percent increase in the proportion of staff at the entry level (Band I) compared with fiscal year 1998. Also, the proportion of the agency’s workforce at the midlevel (Band II) decreased by about 16 percent.

Figure 1: GAO’s Human Capital Profile



Figures in percentages

Source: GAO.

^aAttorneys and criminal investigators.

^bMission support includes both mission and mission support offices.

Since the beginning of fiscal 2001, a total of 447 employees have retired from GAO; 79 (or 17.6 percent) of those retirements are the result of

GAO's early retirement offerings, and as noted above, 83.5 percent of those retiring were high-grade, supervisory, or managerial employees. The loss of these higher-level staff, along with other employees whose skills are no longer essential to GAO has helped the agency address succession planning and skill imbalance issues, in addition to increasing the numbers of entry-level staff who can be hired.

Section 2: Voluntary Separation Incentive Payments

In addition to authorizing voluntary early retirement for GAO employees, the act permits the Comptroller General to offer voluntary separation incentive payments—also known as “buyouts”—when necessary or appropriate to realign the workforce to meet budgetary constraints or mission needs; correct skill imbalances; or reduce high-grade, supervisory, or managerial positions. Under the act, up to 5 percent of employees could be offered such an incentive, subject to criteria established by the Comptroller General.

The act requires GAO to deposit into the U.S. Treasury an amount equivalent to 45 percent of the final annual basic salary of each employee to whom a buyout is paid. The deposit is in addition to the actual buyout amount, which can be up to \$25,000 for an approved individual. Given the many demands on agency resources, these costs present a strong financial incentive to use the provision sparingly, if at all. GAO anticipates little, if any, use of this authority because of the associated costs. For this reason, as well as to avoid creating unrealistic employee expectations, GAO has not developed and issued agency regulations to implement this section of the act.

GAO also supports legislation making section 2—authorizing the payment of voluntary separation incentives—permanent. GAO notes that the Homeland Security Act of 2002 provides most federal agencies with buyout authority. Agencies with preexisting legislative authority to offer buyouts retain their authority, although they may be covered under the Homeland Security Act provision as well. Although GAO has not yet used its buyout authority and has no plans to do so in the foreseeable future, GAO recommends the retention of this flexibility and the elimination of the expiration date of December 31, 2003. The continuation of this provision maximizes the options available to the agency to deal with future circumstances. Since GAO is also eligible to request buyouts under the provisions of the Homeland Security Act, the agency will consider its options under this provision as well.

Section 3: Reduction in Force

Section 3 of the act allows the Comptroller General to prescribe regulations for the separation of GAO employees during a reduction in force or other adjustment in force consistent with those issued by the Office of Personnel Management under section 3502(a) of title 5. In the event that GAO is required to initiate involuntary job reductions, employees would compete for retention on the basis of the following factors in descending order of priority: tenure, veteran's preference, performance ratings, and length of federal service. At the discretion of the Comptroller General, retention may also be based on other objective factors, including skills and knowledge in addition to the preceding criteria.

After careful analysis and deliberation, GAO Order 2351.1, Workforce Restructuring Procedures for the General Accounting Office, containing final agency regulations, was issued in January 2003. Those regulations, which are included in appendix II, provide for establishing "zones of consideration," which define the geographical and organizational boundaries within which employees compete for retention. All employees would be placed in "job groups" that comprise all positions within a zone of consideration that are at the same grade or band level and that perform the same duties and responsibilities. The highest priority would be placed on an employee's tenure of employment and veteran's preference. After consideration of those two factors, an employee would be ranked on the basis of his or her retention score. This score is based on the employee's 3-year appraisal average and his or her length of creditable federal service; greater weight is placed on performance than on length of service.

GAO has not taken any actions under its workforce restructuring regulations and is sensitive to concerns that were expressed prior to the passage of Public Law 106-303 about the potential impact of GAO's modified reduction in force procedures on veterans. GAO is committed to protecting the rights of veterans in a manner consistent with title 5 and has retained all veterans' protections in GAO orders. Therefore, GAO does not foresee any impact on veterans that would differ from those at any other agency involved in realigning or reducing their workforce.

Section 3, authorizing the Comptroller General to develop modified regulations for the conduct of a reduction or other adjustment in force, is a permanent authority. The act requires GAO to provide any recommendations for changes to the section at this time. GAO is unable to offer recommendations, however, because the procedures have not yet been used. Circumstances leading to the decision to separate employees involuntarily are infrequent, and it may be years before the agency has any

significant experience with the use of its procedures. Therefore, GAO has no recommendations for changes to section 3 at this time.

Section 4: Senior-Level Positions

To address a variety of complex issues, GAO needed to increase its skill base in such highly competitive hiring areas as economics, information technology, actuarial science, and evaluation methodology. Section 4 of the act permits GAO to establish senior-level positions to meet critical scientific, technical, or professional needs. To recruit and retain qualified individuals, the act allows GAO to extend the rights and benefits of Senior Executive Service employees to these positions. GAO Order 2319.1, containing the agency's regulations for the employment of senior-level staff, was issued in March 2001 and is included in appendix III.

GAO has used this authority to fill eight senior-level positions, including that of a Chief Accountant, Chief Economist, Chief Statistician, and Chief Actuary. In addition, three senior-level technologists have been appointed as well as a senior-level technologist with expertise in cryptography. The expertise of these senior experts in highly specialized areas of economics, technology, statistics, and cryptography has contributed significantly to GAO's efforts to support the Congress. The accomplishments achieved with the expertise and contributions of the agency's senior-level employees include work on biometric technologies for U.S. border security, anthrax irradiation of U.S. mail, and National Missile Defense systems. These experts have also contributed to ensuring that GAO's work is based on the most technically accurate methodologies for conducting cost-benefit studies and for utilizing appropriate data sources. GAO has found this flexibility to be a critical component in its efforts to ensure that the agency maintains the skills and knowledge necessary to address the many highly complex areas of interest to the Congress.

The act does not require recommendations from GAO on section 4, which permits the agency to establish senior-level positions to meet critical scientific, technical, or professional needs.

Employees', Personnel Appeals Board's, and Senior Executives' Assessments

When the act was under consideration, some GAO employees expressed their concerns about the legislation to their Congressional representatives. To ensure the active consideration of employees' views, the act requires that this report include any assessments or recommendations of the GAO Personnel Appeals Board and of any interested groups or associations representing officers or employees of GAO. GAO also agreed to include in this report information about any impact upon employees' attitudes and opinions, as measured by employee feedback survey responses.

In response to these requirements, GAO's Human Capital Officer sent a request soliciting recommendations for inclusion in this report to the Executive Director of the Personnel Appeals Board. The agency also alerted the members of GAO's Employee Advisory Council by sending all members a memorandum notifying them of this provision. The topic was included on the agenda of the council's quarterly meeting with the Comptroller General in March, and all members of the Employee Advisory Council were given a draft copy of the report for their review. GAO's managing directors were also given a draft of this report for review. In addition, on May 21, 2003, a meeting of all GAO's senior executives was held. At this meeting the Comptroller General solicited the views of senior staff on extending provisions of Public Law 106-303.

The Personnel Appeals Board did not submit a specific assessment of the act's implementation. However, in letter to GAO's Human Capital Officer, dated May 15, 2003, Beth Don, Executive Director of the Personnel Appeals Board, stated that the board would be "willing to do a more comprehensive report in a year or so, at which point we think there will be more information available on the implementation and effectiveness of the personnel flexibilities granted under the Act." Importantly, Ms. Don indicated that no cases had been filed with the Personnel Appeals Board concerning the matters covered by the act. She also stated that the board did not believe it was appropriate to comment, among other things, on the substantive nature of the regulations promulgated by GAO, or the manner in which the regulations were promulgated since the Board may be called upon to adjudicate matters relating to the act and its implementation. The Employee Advisory Council responded on May 13, 2002, that it did not have any comments on the report at this time. Using electronic polling technology that allows for confidential responses, GAO's senior executives were asked if the voluntary early retirement and voluntary separation incentive authorities should be made permanent. All but one of the 110 respondents agreed or strongly agreed that GAO should seek legislation to make these provisions permanent. One respondent was undecided.

As part of ongoing agency efforts to monitor progress in people measures, GAO conducted employee feedback surveys in 1999 and 2002—before and after the act's passage. This survey asked employees for their agreement or disagreement with a variety of statements relating to their work life but was not designed to measure the impact of the act's flexibilities on employee satisfaction. The 2000 survey elicited an 89 percent response rate, which was even better than the outstanding 87 percent achieved in 1999. On the basis of a comparison of responses to key questions in 2002 and 1999, employee satisfaction (as measured by the number of "strongly agree"/"agree" responses) was up in 50 of the 52 categories. Negative responses (as measured by the number of "strongly disagree"/"disagree" responses) also declined in 50 of 52 categories.

GAO believes that the impact of the legislation on its employees has been positive. Clearly, the employees who requested and were approved for early retirement benefited from the act. Furthermore, the realignment of resources resulting from these retirements has had a positive impact on the remaining employees, as well. Ultimately, GAO's efforts to improve the strategic management of GAO's human capital, of which the legislation is a part, benefit all of GAO. Having the right people in the right places makes it easier for all GAO employees to be successful in accomplishing their part of the agency's mission. In the final analysis, the agency's efforts to maximize its value allow us to better serve the Congress and the American people.

Appendix I: GAO Order 2831.1

United States
General Accounting Office
Operations Manual



Order

2831.1

April 27, 2001

Subject: VOLUNTARY EARLY RETIREMENT AUTHORITY

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1. **Purpose.** This order establishes the regulations of the General Accounting Office (GAO) for voluntary early retirement under Pub. L. No. 106-303 (Oct. 13, 2000).

2. **Definitions.** The following terms used in this order are defined below:

- a. **Realignment.** Any agency action that, among things, eliminates positions or functions, reallocates or relocates positions or functions, or reduces the number of employees associated with a function, regardless of whether the action results in an overall staff reduction.
- b. **Mission Needs** means the resources that GAO must have to serve the Congress and the American people.
- c. **Service** as used in para. 5 of this order means creditable service for retirement as defined in 5 C.F.R., Part 831, Retirement, Subpart C and 5 C.F.R., Part 842, Federal Employees Retirement System—Basic Annuity, Subpart C.

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- d. Skills Imbalances refers to a determination by the Comptroller General that there is an excess of and/or a shortage of specific skills and knowledge in the GAO workforce necessary to meet mission needs.
 - e. High-grade, Supervisory or Managerial refers to the following:
 - 1) GS-13 and above positions,
 - 2) Band II and Band III positions in the PE pay plan,
 - 3) Band II positions in the PA pay plan,
 - 4) Senior Executive Service positions, and
 - 5) Senior Level positions.
 - f. Organizational Unit means the team, office or other entity defined by a GAO organizational code.
 - g. Occupational Series means the Office of Personnel Management or GAO-specific category that corresponds to a recognized occupation in the Federal service. Each occupational series is identified by a numerical code that is listed in the *Handbook of Occupational Groups and Families*. Examples of occupational series are Analyst (347), Secretary (318), Auditor (511) and Computer Specialist (334).
 - h. Performance Appraisal Average means the overall average of properly executed and completed written performance appraisals received in GAO. To the extent they are available, performance appraisals for the three annual appraisal cycles prior to the date of the announcement will be used to arrive at the overall average. If there is no announcement, the performance appraisals for the three annual appraisal cycles prior to the date the completed retirement application is received in the designated office will be used. Appraisals from agencies or organizations outside of GAO will not be used.
 - i. Comptroller General means the Comptroller General of the United States or his designee.
3. **Purposes of Early Retirement Authority.** The Comptroller General may authorize voluntary early retirement to one or more employees when he deems it necessary or appropriate for one or more of the following purposes:
- a. realigning GAO's workforce to meet budgetary constraints or mission needs,
 - b. correcting skill imbalances, or
 - c. reducing high-grade, managerial or supervisory positions.
4. **GAO Early Retirement Criteria.** If the Comptroller General decides to exercise his early retirement authority under para. 3, he will establish criteria to ensure the accomplishment of the purpose(s) for which such early retirement is authorized and decide the number of early retirement opportunities that he may authorize. Early retirement may be authorized for one or more employees based on one or more of the following criteria:
- a. organizational unit or subunit,
 - b. occupational series,
 - c. grade or band level,
 - d. skill or knowledge requirements using relevant data (e.g., Knowledge and Skills Inventory),

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2831.1

- e. performance appraisal average,
- f. geographic location,
- g. other similar factors as the Comptroller General deems necessary and appropriate.

5. **Basic Early Retirement Requirements.** In order to retire early under the provisions of this order, employees must meet basic early retirement requirements. An employee must:

- a. have been on GAO's rolls continuously for at least the 31-day period preceding the first day of an early retirement period;
- b. be serving on an appointment that is not time limited;
- c. not have received a notice of involuntary separation for misconduct or unacceptable performance with respect to which final action remains pending; and
- d. have either (1) completed at least 20 years of creditable service and be at least age 50, or (2) have completed at least 25 years of creditable service regardless of age by the effective date of his or her retirement.

6. **Announcement of an Early Retirement Opportunity.** Except as set forth in para. 12, the Comptroller General will announce an early retirement opportunity by posting it on the GAO Intranet. The announcement will include the following information:

- a. purposes of the early retirement opportunity,
- b. early retirement criteria established pursuant to para. 4,
- c. opening and closing dates for accepting early retirement applications from employees,
- d. date by which employees granted early retirement must separate from GAO's rolls,
- e. additional selection criteria established pursuant to para. 10, and
- f. procedures for applying for early retirement.

7. **Documentation.** In determining whether an employee meets GAO early retirement criteria as set forth in an early retirement announcement, GAO will use the following information, if relevant:

- a. position and organization information contained in the Official Personnel Folder,
- b. knowledge and skills data, including information from the Knowledge and Skills Inventory, and
- c. relevant performance appraisals contained in the employee's performance records.

The Chief Mission Support Officer (CMSO) or designee will resolve any questions of coverage relating to individual applications for voluntary early retirement.

8. **Additional Authorizations of Early Retirement.** In order to give the fullest consideration to all interested employees, any employee may apply for early retirement consideration when an early retirement opportunity is announced, even if he or she does not meet the criteria stated in the announcement. The Comptroller General may authorize additional early retirements to these applicants if he determines that such action is consistent with the purposes and early retirement criteria provided for under paras. 3 and 4 of this order.

9. **Length of Early Retirement Announcement Periods.** The closing date for accepting early retirement applications from employees should be at least 45 calendar days after the opening date. The Comptroller General may shorten or extend the closing date when he deems that there are extenuating circumstances requiring such action. GAO will notify employees of any such changes.

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10. **Additional Selection Criteria.** One or more of the following additional selection criteria will be used when: (1) the number of applicants meeting the early retirement criteria set forth in the announcement exceeds the number of available early retirement opportunities for those applicants, and/or (2) the number of applicants applying pursuant to para. 8 exceeds the number of available early retirement opportunities for those applicants:
- a. separation date as indicated by the employee on his or her retirement application, with first in time having preference;
 - b. length of service as determined by the employee's service computation date for retirement purposes, with most years having preference;
 - c. date the completed retirement application is received in the designated office, with first in time having preference; or
 - d. performance appraisal averages, with lower averages having preference.
11. **Notification to Employees.** GAO will notify all employees who have applied for an early retirement whether they have been accepted or rejected for early retirement.
12. **Exception to Announcement Requirement.** When necessary and appropriate, the Comptroller General may forgo an agency-wide announcement and authorize early retirement for up to 5 employees in any organizational unit in any fiscal year, provided such early retirement authorizations are consistent with one or more of the purposes set forth in para. 3.
13. **Delayed Retirement.** GAO may condition its granting of early retirement upon the employee agreeing to remain on the rolls until a specified date, when the CMSO or designee deems such action necessary for the accomplishment of GAO mission or mission-related activities.
14. **Reassignments/Details.** Employees shall not be reassigned to positions and/or units solely for the purpose of making them eligible or ineligible for early retirement. If an employee has been reassigned for a business-related reason and is not eligible for an early retirement but for the reassignment, the employee may still apply provided his reassignment has been effective for no more than 60 days prior to the opening date of the announcement. Employees on detail will be considered on the basis of their official positions of record.
15. **Voluntary Nature of Authorizations.** GAO's authorization of early retirement to employees is made with the understanding that acceptance of early retirement is completely voluntary. Employees are free to accept or decline early retirement. The decision of an employee to take early retirement is a personal and completely voluntary act.
16. **Agency Discretion with Respect to Early Retirement.** Pursuant to his statutory authority, the Comptroller General is vested with authority to determine the number of early retirement opportunities and which employees, if any, will be granted an early retirement. The Comptroller General is under no obligation to grant a stated number of early retirements or an early retirement to any employee even if the employee meets the criteria set forth in an early retirement announcement.
17. **Numerical Limitation.** The number of employees permitted to take voluntary early retirement in any fiscal year under this authority shall not exceed 10 percent of GAO's workforce as of the start of the fiscal year.

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- 18. Termination of Authority.** The statutory provision authorizing this program of voluntary early retirement expires on December 31, 2003.

Appendix II: GAO Order 2351.1

United States
General Accounting Office
Operations Manual



Order

2351.1

WORKFORCE RESTRUCTURING PROCEDURES FOR THE GENERAL ACCOUNTING OFFICE

January 21, 2003

Distribution: GAO Intranet

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2351.1

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United States
General Accounting Office
Operations Manual



Order

2351.1

January 21, 2003

Subject: **WORKFORCE RESTRUCTURING IN THE GENERAL ACCOUNTING OFFICE**

CHAPTER 1. PURPOSE, SCOPE AND APPLICABILITY

1. **PURPOSE, SCOPE, AND APPLICABILITY.** This order contains the regulations of the General Accounting Office (GAO) applicable to any reduction in force or other adjustment in force in the GAO.
2. **SUPERSESSON.** This order supersedes GAO Order 2351.1, "Reduction in Force," dated February 28, 1996. Changes have been made to incorporate the provisions of P.L. 106-303 amending 31 U.S.C. §732(h) and authorizing the comptroller general to prescribe regulations for the separation of employees of the General Accounting Office during a reduction in force or other adjustment in force.
3. **REFERENCES.**
 - a. P.L. 106-303, dated October 13, 2000.
 - b. 4 C.F.R. Part 28.
 - c. 5 U.S.C. §§2108, 8151, 8336, 8412, 8414, and 8905.
 - d. 5 C.F.R. Parts 315, 351, 550, 831, 841-846.
 - e. 10 U.S.C. ch. 67.
 - f. 31 U.S.C. §731(e).
 - g. 38 U.S.C. §§101 and 301.
 - h. GAO Order 2211.1, "Veterans' Preference."
 - i. GAO Order 2213.1, "Noncompetitive Positions."
 - j. GAO Order 2315.1, "Status, Tenure, and Trial Periods."
 - k. GAO Order 2317.1, "GAO's Senior Executive Service."
 - l. GAO Order 2319.1, "GAO Senior Level Positions."
 - m. GAO Order 2351.3, "Reemployment Priority Program."

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- n. GAO Order 2531.4, "Priority Referral and Repromotion Program."
- o. GAO Order 2353.1, "Reemployment Rights of Members of the Uniformed Services."
- p. GAO Order 2432.1, "Dealing with Unacceptable Performance."
- q. GAO Order 2536.1, "Grade, Band, and Pay Retention."
- r. GAO Order 2630.1, "Leave Policies and Procedures."
- s. GAO Order 2630.2, "Voluntary Leave Transfer Program."
- t. GAO Order 2713.2, "Discrimination Complaint Processing."
- u. GAO Order 2752.1, "Adverse Actions."
- v. "CSRS/FERS Handbook for Personnel and Payroll Offices."
- w. "Guide to Processing Personnel Actions."

4. **EMPLOYEES COVERED.** Except as specifically excluded below, this order applies to all employees of the U.S. General Accounting Office, permanent GAO staff of the Federal Accounting Standards Advisory Board, and employees of the GAO Personnel Appeals Board. Persons excluded from coverage are:

- a. The comptroller general.
- b. All members of GAO's Senior Executive Service (SES). Reduction in force regulations for the SES are contained in GAO Order 2317.1.
- c. Senior Level employees. Reduction in force regulations for the Senior Level are contained in GAO Order 2319.1.
- d. Board members of the Federal Accounting Standards Advisory Board.
- e. Board members of the Personnel Appeals Board.
- f. Employees appointed under 31 U.S.C. 731(e).

5. **DEFINITIONS.** In this order:

- a. Competing employee means an employee in tenure group I, II, or III.
- b. Day means a calendar day.
- c. Function means all or a clearly identifiable segment of a mission (including all integral parts of that mission), regardless of how it is performed.

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d. High-grade, supervisory or managerial means

- (1) GS-13 and above positions,
- (2) Band II and band III positions in the PE pay plan,
- (3) Band II positions in the PA pay plan,
- (4) Senior Executive Service positions, and
- (5) Senior Level positions.

e. Mission needs means the resources that the comptroller general believes GAO needs to serve the Congress and the American people.

f. Median rating means the overall performance appraisal average whose value falls in the middle of the overall averages given when arrayed from high to low, within a zone of consideration. An employee with no ratings (see ch. 2 para. 6b(6)) will be credited with the median overall performance appraisal average in his or her zone of consideration as of the rating cycle ending just prior to the issuance of reduction in force notices or other announced cutoff date. At the comptroller general's discretion, a median rating may be based on the median overall appraisal average assigned in a division of the agency larger than the zone of consideration.

g. Performance Appraisal Definitions:

(1) Individual performance appraisal average means the average of the checkmark ratings (see ch. 2 para. 6b(1)) on a performance appraisal, regardless of the time period covered by the appraisal.

(2) Annual performance appraisal average means the average of the individual performance appraisal averages received in a single appraisal year weighted by time (see ch.2 para. 6b(2)). For an employee who receives only one performance appraisal rating in a year, the individual performance appraisal average and the annual performance appraisal average will be the same.

(3) Overall performance appraisal average means the average of annual performance appraisal averages (see ch. 2 para. 6b(4)). To the extent that they are available, the overall performance appraisal average will be based on the employee's three most recent annual performance appraisal averages received during the 4 years prior to the date of issuance of a specific notice to the employee or other announced cutoff date.

h. Realignment or Reorganization means any agency action that, among things, eliminates, adds, reallocates or relocates positions, functions, or duties or reduces the number of employees associated with a function regardless of whether the action results in an overall staff reduction.

i. Representative rate means the fourth step of the grade for a position in the General Schedule (GS) and the second step of the grade for a Federal Wage System position.

j. Undue interruption means a degree of interruption that would prevent the completion of required work within allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. Work generally would be unduly interrupted if the employee needed more than 90 days upon placement into the position to successfully perform the new position.

k. Skill imbalance refers to a determination by the comptroller general that there is an excess of and/or a shortage of specific skills and knowledge in the GAO workforce necessary to meet mission needs.

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1. Workforce restructuring action (WRA) means any personnel action taken under the authority of this order.

6. **ACTIONS COVERED.** A workforce restructuring action will be taken under procedures in this order when both the action to be taken and the cause of the action meet the criteria below. An action that meets one but not both criteria is not a covered action and will be taken under other appropriate authorities.

a. Action to be taken is release of an employee from a job group by:

- (1) separation,
- (2) demotion,
- (3) reassignment requiring displacement, or
- (4) furlough for more than 30 days.

b. Cause of the action is:

- (1) lack of work,
- (2) shortage of funds,
- (3) insufficient personnel ceiling,
- (4) reorganization or realignment,
- (5) an individual's exercise of reemployment or restoration rights,
- (6) correction of skills imbalances, or
- (7) reduction of high-grade, supervisory or managerial positions.

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CHAPTER 2. RETENTION CONSIDERATION**1. ZONE OF CONSIDERATION.**

a. The zone of consideration defines the boundaries within which GAO employees compete for retention in a WRA. Employees in one zone of consideration compete only with each other and not with employees in another zone of consideration.

b. The chief mission support officer (CMSO) in consultation with the comptroller general will determine the specific zones of consideration, which will be defined in terms of organizational units, geographic locations and/or pay plans.

c. The minimum zone of consideration is all employees in a pay plan in a headquarters team, or other organization headed by a managing director, the regional location of a team, or a staff office headed by the chief quality officer, the general counsel, the inspector general, human capital officer, chief information officer, chief knowledge services officer, or the chief administrative officer. The CMSO may, however, combine more than one organizational unit, pay plan or geographic location into one zone of consideration.

d. Determination of an employee's assignment to a zone of consideration will be based on the employee's official position of record as indicated on his or her standard form 50, Notice of Personnel Action.

e. GAO will make available to all employees descriptions of GAO's zones of consideration. Any subsequent changes to the zones will be announced to all employees. Zones of consideration will be in effect at least 90 days prior to the effective date of a WRA.

2. JOB GROUP.

a. GAO will establish job groups and assign each position to a group. Job group determinations are based on each employee's official position description and current organizational placement, not the employee's personal qualifications.

b. Job groups consist of all positions in a zone of consideration that:

(1) are in the same classification series, grade or band, and pay plan; and

(2) are similar enough in duties and qualification requirements (including licensure, certification, education, or other specific knowledge requirements) that the incumbent of one position could successfully perform the duties of any other position upon entry into it, without undue interruption.

c. In addition, separate job groups will be established:

(1) By appointment authority in GAO Order 2213.1.

(2) By work schedule. Separate job groups shall be established for positions filled on a full-time, part-time or intermittent basis.

(3) For employees who were competitively selected for trainee status in a formally designated developmental program.

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3. RETENTION FACTORS. Employees will compete for retention based on the following factors in descending order of priority as described in paras. 4, 5, 6, 7, and 8 of this chapter:

- a. tenure of employment;
- b. veterans preference;
- c. performance appraisals;
- d. length of service; and
- e. other objective factors such as skills and knowledge that the comptroller general considers necessary and appropriate to realign or reorganize GAO's workforce for the reasons specified in 31 U.S.C. § 732(h)(1)(vi).

4. TENURE OF EMPLOYMENT. Employees will be placed in tenure groups I, II, III or 0 based on the nature of their appointments and the length of their federal service.

- a. Tenure group I includes all permanent employees who have acquired competitive status for appointment under 31 USC §732g or who have 3 or more years of continuous federal service as defined in 5 CFR, Part 315.
- b. Tenure group II includes all permanent employees who are not in tenure group I.
- c. Tenure group III includes all employees serving under indefinite appointments, temporary appointments pending establishment of a register (TAPER), appointments with a specific time limitation of more than one year, or appointments limited to one year when the employee has completed one year of current continuous GAO service.
- d. Tenure group 0 includes all employees serving under appointments limited to one year who do not have one year of current continuous GAO service as of the effective date of the WRA. These employees are in tenure group 0 and are not competing employees for WRA purposes.

5. VETERANS' PREFERENCE. Based on the provisions of GAO Order 2211.1, Veterans' Preference in the General Accounting Office, employees will be placed in a veterans' preference subgroup.

a. Subgroups.

- (1) Subgroup AD includes each preference eligible employee who has a compensable service-connected disability of 30 percent or more.
- (2) Subgroup A includes each preference eligible employee not included in subgroup AD.
- (3) Subgroup B includes each employee who is not a preference eligible.

b. Veterans' Preference for Retired Members of the Uniformed Services. In order for a retired member of the uniformed services to be considered a preference eligible for purposes of this order, he or she must be in subgroup AD or A as set forth in para. 5a above and meet at least one of the conditions of the following paragraphs (1), (2), or (3) of this section, except as limited by paras. (4) or (5):

- (1) The employee's military retirement is based on disability that either:

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A. Resulted from injury or disease received in the line of duty as a direct result of armed conflict, or

B. Was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by 38 U.S.C. §§ 101 and 301.

(2) The employee's retired pay from uniformed service is not based upon 20 or more years of full-time active service, regardless of when performed but not including periods of active duty for training.

(3) The employee has been continuously employed as a federal civilian employee since November 30, 1964, without a break in service of more than 30 days.

(4) An employee retired at the rank of major or above (or equivalent) is considered a preference eligible under this order if such employee is a disabled veteran as defined in 5 U.S.C. §2108(2), and meets one of the conditions in paragraphs (1), (2), or (3) above.

(5) An employee who is eligible for retired pay under ch. 67 of title 10, United States Code (covering the category generally known as "reservists"), and who retired at the rank of major or above (or equivalent) is considered a preference eligible under this order at age 60, only if such employee is a disabled veteran as defined in 5 U.S.C. §2108(2).

6. PERFORMANCE RATINGS. Employees' performance appraisals will be used to determine the performance component of the retention score.

a. Creditable Appraisals.

(1) Official Ratings of Record. Only official performance appraisals will be used for purposes of determining employees' individual, annual and overall performance appraisal averages. To be creditable for this purpose, ratings must have been issued to the employee, with all appropriate reviews and maintained in the official performance records of the employee's unit. An employee may not be assigned a new rating for the sole purpose of affecting his or her retention score.

(2) Time Period. An employee's overall performance appraisal average will be based on the employee's three most recent annual performance appraisal averages for the 4 years prior to the date of issuance of a specific notice to the employee pursuant to ch. 5, para. 3 or other announced cutoff date.

b. Determining Appraisal Averages.

(1) Calculation of an Individual Performance Appraisal Average. An individual performance appraisal average will be determined by averaging the checkmark ratings for all evaluated performance dimensions or competencies. A numerical value will be assigned for each performance level as indicated in the following table:

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5-Level System (BARS system for Analysts and Attorneys, APSS System)			4-Level System (Competency-Based Appraisal System for Analysts and Attorneys)	
Rating	Points		Rating	Points
Outstanding	5		Role Model	5
Exceeds Expectations	3		Exceeds Expectations	3
Meets Expectations	1.5		Meets Expectations	1.5
Below Expectations	0		Below Expectations	0
Unacceptable	-1			

The values for all dimensions or competencies will be totaled and divided by the number of dimensions or competencies rated to yield an average rounded to four decimal places. An element with no rating or a "No Basis" rating will not be counted and, therefore, will not affect the average.

(2) Calculation of an Annual Performance Appraisal Average. Each rating received during an appraisal cycle, including those resulting in the placement of an employee in an opportunity period as provided in GAO Order 2432.1, will be considered an individual performance appraisal and averaged as specified in para. 6b(1) of this chapter. The individual performance appraisal averages will be totaled and divided by the number of appraisals to yield an average rounded to four decimal places. In totaling the scores, the individual performance appraisal averages will be weighted based on the period of time each appraisal covers.

(3) Appraisals that extend beyond the end of an appraisal cycle. Any rating that overlaps into more than one appraisal cycle will be prorated into the separate cycles based on the number of days it covers in each cycle.

(4) Calculation of an Overall Performance Appraisal Average. Subject to paras. 4, 5 and 6, annual appraisal averages for the three most recent performance cycles within the past 4 years will be averaged and rounded to 4 decimal places.

(5) Employees with fewer than three annual appraisal averages. An employee who has annual performance appraisal averages for at least one but fewer than three previous years during the 4-year period shall receive credit for performance based on the overall average of the available annual averages.

(6) Employees with no ratings. An employee who has no rating of record during the 4-year period shall receive credit for performance based on the median rating as defined in ch. 1, para. 5 of this order.

c. Employees with Appraisals from Other Federal Agencies.

(1) An employee who has received one or more appraisals from other federal agencies covered by the provisions of 5 U.S.C., ch. 43 and 5 C.F.R., part 430, subpart B within the time period cited in para. 6a2 of this chapter will be credited with the summary ratings assigned under those agencies' performance appraisal systems. Ratings from other federal agencies not covered by 5 U.S.C., ch. 43, and 5 C.F.R., part 430, subpart B will be used to calculate the retention score only if GAO determines that such ratings are equivalent. Points will be assigned and averages calculated consistent with para. 6 of this chapter.

(2) If no summary rating was given, an overall rating will be assigned using the method in para. 6b(1).

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- (3) Previous appraisals that were narrative only will not be counted.

7. LENGTH OF FEDERAL SERVICE. The length of federal service is based on the employee's service computation date. The service computation date (SCD) is determined as follows:

a. Creditable service includes any federal government employment (both civilian and military) that meets the requirement for a particular type of benefit, such as leave accrual, retirement, or retention. Detailed information on creditable service can be found in the Office of Personnel Management's "Guide to Processing Personnel Actions," and the "CSRS and FERS Handbook for Personnel and Payroll Offices." An employee's SCD is whichever of the following dates reflects the employee's creditable service:

- (1) The date the employee entered on duty with the federal government, when he or she has no previous creditable service; or
- (2) The date obtained by subtracting the employee's total creditable previous service from the date he or she last entered on duty.

b. An employee who is a retired member of a uniformed service is entitled to credit for:

- (1) The length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge had been authorized; or
- (2) The total length of time in active service in the armed forces if the employee is considered a preference eligible under para. 5b of this chapter.

c. An employee's SCD will be corrected to withhold service credit for noncreditable time (e.g., leave without pay in excess of 6 months in a calendar year).

8. OTHER OBJECTIVE FACTORS. At his discretion, the comptroller general may use other objective factors such as skills and knowledge to determine the retention standing of employees subject to the following:

- a. The factors and the method by which credit will be assigned to employees will be announced in writing in advance of the WRA. A comment period of 30 days will be provided for all employees.
- b. Only factors that the comptroller general considers necessary and appropriate to realign or reorganize the agency's workforce to meet current and future mission needs, correct skill imbalances and/or to reduce high-grade, supervisory or managerial positions will be used to determine retention standing.

9. RETENTION SCORE. GAO shall establish a retention score for each employee in any applicable zone of consideration when a WRA occurs. Retention scores shall be based on performance ratings and length of service. At the discretion of the comptroller general, retention scores may also be based on other objective factors including skills and knowledge.

a. Retention Score based on Performance and Service. If the comptroller general decides to base retention scores on performance and service only, the following method will be used to determine the score. The employee's overall performance appraisal average will determine a maximum of 65 points of the score. One additional point will be credited for each year of creditable service.

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(1) Performance Component. Employees will receive between 9 and 65 points for performance as set forth in Appendix 1 except that employees with overall appraisal averages less than 1.5 will receive no credit for performance.

(2) Service Component. The number of days between the employee's service computation date and the effective date of the WRA or other announced cutoff date will be converted into years expressed as a decimal rounded to four places.

(3) Retention Score. The point values for each component will be added together for an overall retention score.

b. Retention Score based on Performance, Service and other Objective Factors. If the comptroller general decides to base retention scores on performance, service and other objective factors, the following method will be used. The employee's overall performance appraisal average will determine a maximum of 50 points and other objective factors will determine a maximum of 15 points. One additional point will be credited for each year of creditable service.

(1) Performance Component. Employees will receive between 8 and 50 points for performance as set forth in Appendix 1 except that employees with overall appraisal averages less than 1.5 will receive no credit for performance.

(2) Service Component. The number of days between the employee's service computation date and the effective date of the WRA or other announced cutoff date will be converted into years expressed as a decimal rounded to four decimal places.

(3) Other Objective Factors Component. Employees will be credited with up to 15 points for possession of other objective factors.

(4) Retention Score. The point values for each component will be added together for an overall retention score.

10. RETENTION REGISTERS

a. When a competing employee is to be released from a job group under this order, a retention register will be established for that job group. Except for employees on military duty with restoration rights under GAO Order 2353.1, the retention register will contain the name of each employee who:

- (1) is officially assigned to a position in the job group; or
- (2) is temporarily promoted from the job group by time-limited promotion.

b. An employee who has received a written decision of demotion or reassignment under GAO Orders 2432.1 or 2752.1 is listed on the retention register in the position to which he or she will be demoted or reassigned.

c. An employee who has received a written decision of removal under GAO Orders 2432.1 or 2752.1 is not included on the retention register.

11. PLACEMENT ON RETENTION REGISTERS

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a. By tenure group. Employees in tenure group I are first, followed by tenure group II, and then tenure group III.

b. By veterans' preference subgroup. Within each tenure group, employees are placed in subgroups based on their entitlement to veterans' preference as defined in para. 5 of this chapter. Subgroup AD is first, followed by subgroup A, and then subgroup B.

c. By overall retention score. Within each veteran's preference subgroup, employees are placed in order of their overall retention score from highest to lowest

12. EFFECTIVE DATE OF RETENTION STANDING.

a. An employee's retention standing is determined as of the effective date of the WRA or other announced cutoff date.

b. The retention standing of an employee retained as an exception under ch. 3, paras. 4a and 4b is determined as of the date the employee would have been released from the job group had the exception not been used.

c. If GAO discovers an error in the determination of an employee's retention standing, it will correct the error and adjust any erroneous actions in accordance with the employee's actual retention standing.

13. RECORDS. After conducting a workforce restructuring action, GAO will preserve intact all registers and records relating to an employee for at least 1 year from the date the employee is issued a specific notice, except when there is an active proceeding related to the records. In that case, any relevant records are kept until the proceeding has been closed. GAO will allow an employee to inspect relevant retention registers, job group definitions, and data used in the assignment of the employee's tenure group, veterans' preference subgroup, service computation date and retention score, including information related to credit given for other objective factors, to the extent that they have a bearing on a specific action taken, or to be taken, against the employee.

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CHAPTER 3. RELEASE FROM JOB GROUP

1. **GENERAL.** This chapter explains the order of release of employees from a job group in a WRA. Competition to remain in a job group is called first round competition.

2. **ORDER OF RELEASE.**

a. All tenure group 0 employees must be released from a job group before a tenure group I, II, or III employee may be released from that job group.

b. Competing employees will be released in the inverse order of their retention standing beginning with the employee having the lowest standing on the retention register. That is, all employees in tenure group III are released before any employee in tenure group II is released; and all employees in tenure group II are released before any employee in tenure group I is released. Within each tenure group, all employees in subgroup B are released before any employee in subgroup A is released; and all employees in subgroup A are released before any in subgroup AD. Within each subgroup, employees are released in the order of their overall retention scores beginning with the lowest score. Examples:

(1) A II-B employee with a retention score of 85 is released before a I-B employee with a retention score of 75 because all group II employees must be released before any group I employee.

(2) A I-A employee with a retention score of 80 is released from a job group before a I-A employee with a retention score of 85. Both employees are in the same tenure group and subgroup, but the employee with a score of 80 is lower on the register than the employee with a score of 85.

c. When two or more employees in the same tenure group and veterans' preference subgroup have identical retention scores, and at least one, but not all, of the employees has to be released from the job group, employees will be released in order of their overall performance appraisal averages from lowest to highest.

3. **ABOLISHING A ZONE OF CONSIDERATION.** When GAO will abolish all positions in a zone of consideration within 180 days, all employees will be released in group and subgroup order consistent with ch. 3, para. 2 (i.e., III-B employees are released before III-A employees who are released before III-AD employees, etc.) At the discretion of the comptroller general, employees may be released in group order without regard to their retention standing within the subgroup. When GAO uses this provision, it will notify all employees within the affected zone of consideration and also give them the date on which all positions will be abolished. The only exception to this provision involves employees who must be retained under a mandatory exception in accordance with para. 4a below.

4. **EXCEPTIONS TO THE ORDER OF RELEASE.** GAO may release a competing employee from a job group while temporarily retaining in that group another competing employee with lower retention standing if the action is authorized as an exception under this paragraph. The reason for any exception to the regular order of release will be recorded on the retention register. The fact that a lower standing employee is temporarily retained in a job group does not mean that an additional higher standing employee must be released. Rather, the lower standing employee's release is simply temporarily delayed.

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a. Mandatory exceptions.

(1) Uniformed services restoration rights. Tenure group I and II employees granted restoration after military service under GAO Order 2353.1 must be retained over other employees in the same subgroup for the period of retention specified by that order. GAO may not separate such employees by a WRA during the retention period following restoration.

(2) Annual leave to attain eligibility for an annuity and/or health benefits coverage. Consistent with 5 CFR 351.606(b), GAO shall retain on accrued annual leave an employee who will attain first eligibility for an immediate retirement benefit under 5 U.S.C. §§8336, 8412, or 8414, and/or will establish eligibility under 5 U.S.C. §8905 to carry health benefits coverage into retirement during the period represented by the amount of the employee's accrued annual leave.

b. Permissive exceptions. The human capital officer must approve all permissive exceptions. Higher standing employees reached for release from a job group where a lower standing employee is being temporarily retained will be notified in writing of the reasons for the exception.

(1) Exception to avoid undue interruption. GAO may make an exception to temporarily keep an employee in a position that no higher standing employee can take over without undue interruption to the work.

(2) Government obligation. GAO may make a temporary exception to satisfy a government obligation to the retained employee. For example, an exception may be made to delay the effective date of an employee's release long enough to allow a full 60-day notice when he or she is absent from the duty station and cannot receive notice on the same day as other employees or when a new notice must be given.

(3) Medical deferral. GAO may retain a lower standing employee on approved sick leave due to medical necessity. Use of sick leave for this purpose must be in accordance with the requirements in GAO Orders 2630.1 and 2630.2. Other types of leave will not be granted if sick leave is exhausted.

(4) Deferral of separation date. Employees who receive a specific notice pursuant to ch. 5, para. 3 and who, as of the effective date of the WRA, (a) will be within one year of meeting eligibility requirements for an immediate annuity (either early or optional retirement) or (b) have applied to OPM for disability retirement benefits, may request that GAO defer their separation dates. The deferral may not exceed the date the employee first becomes eligible for the immediate annuity or the date OPM's decision is rendered on the disability retirement, and may not exceed 12 months. The human capital officer may permit the limited use of work time, leave without pay, and annual leave during the deferral period. The terms of such a deferral, including duration and limitations, will be provided in writing to the employee and must be agreed to by both GAO and the employee.

5. ACTION FOLLOWING RELEASE FROM JOB GROUP. An employee reached for release from a job group will be offered assignment to another position, if a position is available and the employee has rights to it under ch. 4 of this order. If an employee has no right of assignment to another position or turns down an offered position satisfying the assignment right, the employee will be furloughed or separated.

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6. USE OF FURLOUGH.

a. Furlough means the placement of an employee in a temporary nonduty and nonpay status for more than 30 consecutive calendar days, or more than 22 workdays if done on a noncontinuous basis, but not more than 1 year, when the action is based on one of the reasons set forth in ch. 1, para 6 and is not in accordance with preestablished conditions of employment. If employees are furloughed for less than 30 days, the provisions of this order do not apply. GAO Order 2752.1 covers furloughs of less than 30 days.

b. Competing employees may be furloughed only when GAO intends to recall them to duty in the same position within 1 year.

c. Employees may not be furloughed for more than 1 year.

d. If all employees furloughed from a job group are not recalled at the same time, employees will be recalled according to their retention standing beginning with the highest standing employee.

e. Employees may not be separated through WRA while an employee with lower retention standing in the same job group is on furlough.

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CHAPTER 4. ASSIGNMENT RIGHTS

1. GENERAL. This chapter explains an employee's eligibility for assignment to a position occupied by another employee or to a vacant position following release from a job group. Exercise of assignment rights constitutes the second round of competition when employees compete for positions in other job groups.

2. BASIC RIGHTS.

a. When a tenure group I or II employee with an annual performance appraisal average for the most recent year of 1.5 or higher is released from a job group, GAO will offer assignment to a position if one is available and the employee has a right to it under the provisions of this chapter, rather than furlough or separate the employee. When more than one available position will satisfy an employee's assignment right, the employee is entitled to the position with the highest grade, band, or representative rate. When two or more positions with the same grade, band, or representative rate are available, GAO may offer the employee any one of them. An employee does not have the right to choose a position. Representative rates will be used to determine equivalent grade levels and the best offer when comparing positions in the general schedule and wage system.

b. Upon accepting an offer of assignment, or displacing another employee under the provisions of this order, an employee retains his or her same status and tenure in the new position.

c. An employee released from a job group as a result of the procedures in this order may be entitled to grade/band and pay retention (see GAO Order 2536.1).

3. RESTRICTIONS.

a. An employee may not be assigned under this order to a position at a higher grade, band, or representative rate than that of the employee's current position.

b. An employee serving in a position under an authority in GAO Order 2213.1 has assignment rights only to other positions filled under the same appointing authority as the position held. For example, a presidential management intern (PMI) has assignment rights only to another PMI position. Employees appointed under authorities other than those specified in GAO Order 2213.1, have no assignment rights to positions filled under that order.

c. An employee's assignment rights may not be satisfied by assignment to a position with a different work schedule. A full-time employee may not be assigned to a part-time or intermittent position. A part-time employee may not be assigned to a full-time or intermittent position and an intermittent employee may only be assigned to an intermittent position.

d. An employee whose annual overall rating for the most recent cycle is below 1.5 has no assignment rights.

e. An available position satisfying an assignment right must be in the same zone of consideration, be expected to last a minimum of 3 months, and be one for which the employee qualifies, unless GAO chooses to waive qualifications under para.7d of this chapter.

f. The promotion potential of a position is not a consideration in the identification of an available position for satisfying an assignment right.

g. An employee is entitled to only one offer and is entitled to no further offer if he or she accepts, rejects, or fails to reply to that offer. GAO will, however, make a better offer if a position at a higher grade

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or band becomes available on or before the effective date of the WRA. In this case, it makes no difference whether the employee has accepted or rejected a previous offer.

h. The supervisory probation provisions of GAO Order 2315.1, "Status, Tenure, and Trial Periods," apply to an employee placed in a supervisory position under this order.

4. BUMPING.

a. Bumping is an employee's right of assignment to a position occupied by another employee in a lower tenure group, or in a lower subgroup within the same tenure group. Upon release from a job group, an employee is entitled to an available position in another job group in the same zone of consideration that

(1) is held by another employee in a lower tenure group or in a lower subgroup within the released employee's own tenure group; and

(2) is the same grade/band as the position from which the employee was released or no lower than the limit set in para. 6.

b. An employee with an overall performance appraisal average below 1.5 cannot bump into a position occupied by an employee with an overall average of 1.5 or higher.

5. RETREATING.

a. Retreating is an employee's right of assignment to a position formerly held, or essentially identical to the one previously held, when the position is occupied by a lower-standing employee in the same tenure group and subgroup. Upon release from a job group, an employee is entitled to an available position in another job group in the same zone of consideration that

(1) is held by an employee with lower retention standing in the same tenure group and subgroup;

(2) is the same grade/band as the position from which the employee was released or no lower than the limit set in para. 6; and

(3) is the same position, or an essentially identical position, as a position previously held by the released employee in a federal agency. The employee must have held the previous position as a competing employee, i.e., the employee must not have been on detail, on a time-limited promotion, or on a temporary appointment with less than 1 year of continuous service in the position.

b. An employee with an overall performance appraisal average below 1.5 cannot retreat to a position occupied by an employee with an overall average of 1.5 or higher.

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6. **GRADE/BAND LIMITS.** Except as allowed in para. e below, the grade/band limits for bumping and retreating are as follows:

a. **General Schedule positions.** The limit for general schedule positions is three grades or grade intervals below the position from which the employee is released. The grade limits are determined by the grade progression of the position from which the employee is released. For example, a GS-11 employee in a one-grade interval position may move three grades lower to GS-8; a GS-11 employee in a two-grade interval position may move three grade intervals lower to GS-5.

b. **Wage Grade positions.** The limit for wage grade positions is three grades or grade intervals below the position from which the employee is released using the normal line of progression established by GAO for the position. For example, if the normal line of progression for a WG-12 position in a particular series is determined to be WG-5-8-10-12, the WG-12 employee may move to positions as low as WG-5.

c. **Banded Positions – Analysts and Related Positions.** The limit for banded positions in the analyst pay-for-performance system is band I.

d. **Banded Positions – Attorneys.** The limit for banded positions in the attorney pay-for-performance system is band ID for band II and IF positions.

e. **Special Provision for Subgroup AD.** The retreat limit for 30 percent disabled veterans is one band lower or two grades lower than the limits stated in para. 6a. The bump limit for 30 percent disabled veterans is the same as for subgroups A and B.

Example: The lowest level to which a GS-13 AD in a two-grade interval position can retreat is to a GS-5 and bump is to a GS-9.

7. **USE OF VACANCIES.**

a. **Agency discretion.** This order does not require GAO to fill vacant positions. However, if at its discretion, GAO chooses to fill a vacancy with an employee who has been reached for release from a job group, then the provisions of this section apply.

b. **Using vacancies to satisfy an assignment right.** An employee's assignment right may be satisfied by assigning the employee to a vacant position in the same zone of consideration, including a temporary position that will last at least 3 months. The employee's right to the position is determined in the same way as the right to bump or retreat insofar as the vacant position must be within the grade/band limitations in para. 6 above, and the employee's right to the position is based on tenure group and subgroup superiority (a released employee in subgroup I-A is offered assignment to a vacant position before offering assignment to a released employee in subgroup I-B).

c. **Using vacancies to place employees in lieu of separation.** If a vacancy is being offered to place an employee in lieu of separation

- (1) the grade/band limits do not apply;
- (2) the restriction on assignment to positions with different work schedules does not apply; GAO may offer a vacant part-time position to a full-time employee and or offer a vacant full-time position to a part-time employee, and
- (3) placements must be made in accordance with merit promotion requirements if the offered position has more promotion potential than the employee's present position.

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d. Waiver of Qualification Requirements. Unit heads may request approval from the human capital officer to waive qualification standards and requirements, except for minimum education requirements, in offering an employee released from a job group assignment to a vacancy. The human capital officer may approve such requests when it is in the interest of GAO and will not cause undue interruption. The employee must have the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.

8. QUALIFICATIONS.

a. Except as provided in para. 7d, to be qualified for assignment to an available or a vacant position, an employee must:

(1) meet the GAO qualification requirements for the position including any minimum education requirements and any selective placement factors established for the position. These requirements are typically expressed in terms of various kinds and levels of experience, education, and/or training and, for most positions, require at least one year of specialized experience equivalent to the next lower grade/band. Specialized experience is experience that is in, or related to, the work of the position being filled.

(2) be physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position; and

(3) have the capacity, adaptability, and special skills needed to satisfactorily perform the duties of the position without undue interruption. The employee ought to be as well qualified for the position as if he or she had already performed successfully in a similar position.

b. An employee who is released from a job group during a leave of absence because of a compensable injury may not be denied an assignment right solely because the employee is not physically qualified for the duties of the position if the physical disqualification resulted from the compensable injury. Such an employee must be afforded appropriate assignment rights subject to recovery, as provided by 5 U.S.C. §8151.

c. If GAO determines, on the basis of evidence before it, that a preference eligible employee with a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of a position to which the employee would otherwise have been assigned under this chapter, the employee shall be notified of GAO's decision and to be given an opportunity to respond to the qualifications determination. The employee will have 15 days to respond to the human capital officer. The human capital officer will review the record of the proposed disqualification, including the employee's response, and notify the employee of the final determination.

d. When an employee's assignment right can be satisfied only by an offer of a position requiring a security clearance, the assignment will generally not be denied solely because the employee does not have the appropriate security clearance. However, GAO may consider whether the time period required to obtain a security clearance will result in undue interruption to the program, and will apply that standard in assessing whether the employee should be considered qualified for the assignment.

c. GAO may ask employees to update their qualifications statements (e.g., OF-612, resume, etc.) prior to a WRA and may establish a formal deadline for the receipt of such material. GAO is not obligated to consider material received after the deadline in determining an employee's qualifications for assignment to other positions.

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CHAPTER 5. NOTICE TO EMPLOYEES**1. NOTICE PERIOD.**

a. Except as provided in para. 1b, each employee identified for release from a job group is entitled to a specific written notice at least 60 days before the effective date of release. There is no maximum notice period.

b. When a WRA is caused by circumstances not reasonably foreseeable, the comptroller general or designee may authorize a notice period of less than 60 days but at least 30 days before the effective date of the personnel action caused by WRA.

c. The notice period begins the day after the employee receives the notice.

2. INFORMATIONAL NOTICES. GAO may, at its discretion, issue an advance informational notice to alert employees that workforce restructuring may be necessary. However, an informational notice does not satisfy an employee's right to a specific notice, nor does an informational notice count toward the mandatory notice period for a specific notice.

3. CONTENT OF SPECIFIC NOTICE. A notice will state specifically:

- a. the personnel action to be taken, reason for the action and its effective date;
- b. the employee's zone of consideration, job group, tenure group, veteran's preference subgroup, retention score, service computation date, most recent annual appraisal score, overall performance appraisal average and credit for other objective factors;
- c. the place where the employee may inspect the order and records pertinent to this case;
- d. the employee's right to appeal to the GAO Personnel Appeals Board, where applicable, or other rights which may be available;
- e. procedures applicable to the identification of the employee for release;
- f. the employee's ranking relative to other competing employees and how such ranking was determined; and
- g. eligibility for reemployment priority.

4. EXPIRATION OF NOTICE. A notice expires when followed by the action specified or by an action less severe than specified in the notice or in an amendment to the notice. No action will be taken prior to the effective date stated in the notice.

5. NEW NOTICE REQUIREMENTS. An employee is entitled to a new written notice of at least 60 days (or 30 days if such a period was authorized under para. 1b of this chapter), if GAO decides to take an action more severe than that first specified. A new 60-day notice period is not required when the same, or a less severe, action than specified in the prior notice is taken.

6. STATUS DURING NOTICE PERIOD. Employees will remain in an active duty status or will be placed on administrative leave, at management's discretion, during the notice period.

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7. CERTIFICATION OF EXPECTED SEPARATION. For the purpose of enabling otherwise eligible employees to be considered for eligibility to participate in dislocated workers programs under the Job Training Partnership Act administered by the U.S. Department of Labor, the human capital officer may issue a Certificate of Expected Separation to a competing employee whom GAO believes, with a reasonable degree of certainty, will be separated from federal employment under this order.

8. EMPLOYEE ENTITLEMENT TO FEDERAL BENEFITS. Employees who receive a specific notice of separation or demotion as provided for in para. 3 of this chapter may be eligible for certain benefits subject to GAO and federal regulations as follows:

a. Grade/Band and Pay Retention. Employees who are demoted under the provisions of this order are eligible for grade and pay retention subject to the provisions of GAO Order 2536.1, Grade and Pay Retention.

b. Severance Pay. Employees who are separated under the provisions of this order are eligible for severance pay subject to 5 C.F.R., subpart G.

c. Retirement. Employees' eligibility for discontinued service retirement is subject to 5 C.F.R., part 831 (Civil Service Retirement System) and parts 841 through 846 (Federal Employees' Retirement System.)

d. Repromotion. Employees who are demoted under the provisions of this order are eligible for repromotion consideration subject to GAO Order 2531.4, Priority Referral and Repromotion Program.

e. Reemployment. Employees who are separated under the provisions of this order are eligible for reemployment consideration subject to GAO Order 2531.3, Reemployment Priority Program.

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CHAPTER 6. APPEALS

1. GENERAL.

a. An employee who has been furloughed for more than 30 days, separated, or demoted by an action taken under this order may file an appeal with the GAO Personnel Appeals Board (PAB) if he or she believes that the regulations in this order have not been followed. With regard to claims of prohibited personnel practice(s), an employee may file with the PAB in accordance with 4 CFR, Part 28. With regard to claims of discrimination, an employee may file with the Office of Opportunity and Inclusiveness in accordance with GAO Order 2713.2, "Discrimination Complaint Processing" or in some circumstances with the PAB in accordance with 4 C.F.R. §28.98(c). An employee who accepts an offer of assignment to another position at the same grade/band or the same representative rate may not appeal the action to the PAB.

b. An appeal must be filed with the PAB during the 30-day period beginning with the day after the effective date of the action.

c. A final decision of the General Accounting Office Personnel Appeals Boards may be reviewed by the United States Court of Appeals for the Federal Circuit consistent with 31 U.S.C. 755.

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CHAPTER 7. VOLUNTARY RELEASE ACTIONS

1. GENERAL.

a. When GAO separates an employee under the provisions of this order, a permanent employee who is unaffected by any WRA may volunteer to take the place of an affected employee. The volunteer must occupy the same or a similar position as the affected employee. Where it is determined that the offer will promote the efficiency of the agency and minimize disruption, GAO may accept the volunteer's offer. In that case, the volunteering employee will be released without regard to his or her retention standing and will receive a specific notice of separation. Employees released under this provision will be involuntarily separated.

b. Employees released under this provision who meet eligibility requirements for severance pay will receive the full amount of the severance pay to which they are entitled.

c. Employees released under this provision who would be eligible for an annuity may apply for an annuity based on discontinued service retirement and cannot receive severance pay.

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CHAPTER 8. TRANSFER OF FUNCTION**1. APPLICABILITY.**

a. A transfer of function is (1) the transfer of the performance of a continuing function from one zone of consideration to another zone in GAO or to another federal agency, or (2) the movement of the zone of consideration in which a function is performed to another commuting area. There is no transfer of function if the function continues in the losing zone; was already being performed, prior to the transfer, in the gaining zone; or the function is not expected to continue for more than 60 days at the gaining zone.

b. "Losing zone" refers to the zone of consideration or other federal agency from which a function is being transferred; "gaining zone" refers to the zone of consideration or other federal agency to which the function is being transferred. Zones of consideration are those established in accordance with ch. 2 of this order.

c. Where a function is transferring between GAO and another federal agency, the provisions of this chapter apply only to the GAO portion of the transfer.

d. Where two or more related functions are being transferred at the same time from one zone to another, GAO may consider the multiple functions as a single function for purposes of determining transfer rights.

2. DETERMINING THE NUMBER OF POSITIONS PERFORMING THE FUNCTION. Once it has been determined that a transfer of function under this chapter will occur, management in the losing zone will determine the number of positions that it has needed to perform the function.

3. IDENTIFYING COMPETING EMPLOYEES WITH THE FUNCTION.

a. Employees will be identified with the function based on work performed during a defined period of time preceding the transfer. The same period of time will be used for identifying all employees performing the function. The minimum period is 90 days; the maximum is one year. Employees, who prior to the transfer, have been reassigned to a function other than that being transferred, are not considered in the identification of employees for transfer.

b. Management in the losing zone will identify the competing employees performing the function using the two methods set out below. Identification with the function is based on the employees' official position/band descriptions of record. In determining the percentage of time that an employee spends performing the function, Time and Attendance Reports, organizational reports, work products, and other evidence may be considered.

(1) Method One. Under this method, a competing employee is identified with a function if the employee performs the function during the majority of his or her work time, or if, regardless of the amount of time the employee performs the function, the function includes the duties which control the employee's grade or band.

(2) Method Two. Under this method, which is used if method one is not applicable, employees are identified with the function if they perform the function during less than half their work time and if the duties of the function do not control the employees' grade or band. Management may decline to identify employees who perform the function during a very limited portion of their work time.

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4. DETERMINING WHICH EMPLOYEES HAVE TRANSFER RIGHTS.

a. All employees identified under method one have transfer rights. Unless transfer is precluded by reasons beyond the control of GAO, these employees may not be separated or demoted by WRA (see para. 8, below). The number of method one employees transferring may exceed the number of positions identified under para. 2, above.

b. Unless agreed otherwise by the losing and gaining zones, the number of method two employees who will transfer with the function will not exceed (1) the number of positions identified as needed to perform the work minus (2) the number of method one employees who are transferring. Unless transfer is precluded by reasons beyond the control of GAO, fewer employees may be transferred only if doing so will not lead to the separation or demotion of an employee who would otherwise have the right to transfer under this chapter.

c. No employee has the right to transfer with the function unless the alternative is separation or demotion in the losing zone.

d. At any time prior to the transfer of function, management in the losing zone may change the responsibilities or reassign employees performing the function, as a result of which they no longer perform the function.

e. Once the losing zone decides how many employees within a particular job group will transfer, identification of the specific employee(s) who will transfer is based on retention standing. Specifically, where some but not all method two employees in a job group will be transferred with the function, the losing zone will establish retention registers following the criteria set out in ch. 2 of this order (that is, employees in the job group will be ranked based on their tenure group, veteran preference subgroup, and retention score). These retention registers will differ from WRA retention registers in one respect only: they will include only employees identified under method two. Where management decides to transfer none, or all, of the method two employees in a particular job group, no retention registers need be established.

(1) If management decides to transfer one or more employees in a particular job group, the employees to be transferred will generally be selected based on inverse retention standing (that is, beginning with the employee at the bottom of the retention register), except as provided in (2) below.

(2) If the losing zone is concurrently conducting a WRA, and some of the employees in the job group will be separated or demoted by WRA if they are not transferred, those employees may have transfer rights. These transfer rights are implemented by selecting employees for transfer based on actual retention standing (that is, beginning with the employee with the highest retention standing among the employees for whom the alternative is separation or demotion). Para. 8, below, addresses concurrent WRAs and transfers of function.

f. If an employee identified for transfer declines to transfer, the losing zone may separate the employee under adverse action procedures pursuant to GAO Order 2752.1. Such separation may not occur prior to the date of the transfer of function.

5. VOLUNTEERS FOR TRANSFER. GAO may permit other employees to volunteer for transfer with the function in lieu of employees identified by management. However, transfer of volunteers is not permitted where it would cause any competing employee identified under method one or two to be separated or demoted. If the number of volunteers exceeds the number of positions needed to perform the function in the gaining zone, preference will be given based on the retention standing of the volunteers.

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6. NOTICE PERIOD. Except where exigent circumstances necessitate a shorter period, employees identified for a transfer of function are entitled to specific written notice at least 60 days before the date of the transfer of function advising them that they have been identified for transfer, the basis for that identification, and the effect of declining to transfer with the function.

7. EFFECT ON GAINING ZONE OF CONSIDERATION.

a. The transfer of function provisions do not affect employees of the gaining zone unless that zone conducts a WRA under this order.

b. If the gaining zone does conduct a WRA at the time of the transfer of function or later, the WRA will be conducted consistent with the order. Transferring employees will compete in the WRA on retention registers that will include both the transferring employees and employees already working in the gaining zone at the time of transfer. Any assignment rights of the transferred employees will be in the gaining zone rather than the losing zone.

8. COORDINATION BETWEEN A TRANSFER OF FUNCTION AND A WRA IN THE LOSING ZONE.

a. The losing zone may not carry out a WRA solely for employees who decline to transfer with their function. If that zone is conducting a concurrent WRA, however, employees identified under method two may be included in that WRA. A WRA is considered concurrent if the effective date of WRA notices is expected to be within 60 days of the date of the transfer of function.

b. Where a transfer of function and a WRA are to occur concurrently in the losing zone, GAO will coordinate them to the maximum possible extent. In particular, before an employee performing the transferring function may be separated or demoted as part of the WRA, it must be determined whether the employee has transfer rights under this chapter.

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Appendix 1. Performance Appraisal Score Conversion

1. General Information. In order to convert an overall performance appraisal average into points for a retention score, you must first determine the factors upon which the retention score will be based. Retentions scores may be based on

a. Retention Based on Overall Performance Appraisal Average and Federal Service Only. The maximum number of performance points when a retention score is based on appraisals and service only is 65. Performance points will be determined using the following equation:

$$(16 \times \text{Overall performance appraisal average}) - 15 = \text{performance points.}$$

b. Explanation of Equation in Para. 1a. This equation calculating the values awards 65 points (the maximum) for the highest possible appraisal average of 5.0 and 9 points for the appraisal average of 1.5 (meets expectations.) The equation determines the value of all appraisal averages that fall between the highest and lowest values when x = performance appraisal average and y = performance points.

$$\begin{aligned} (1.5, 9) \quad (5.0, 65) \\ m &= 56/3.5 = 16 \\ y - 9 &= 16(x - 1.5) \\ y - 9 &= 16x - 24 \\ y &= 16x - 15 \end{aligned}$$

c. Retention Based on Overall Performance Appraisal Average, Federal Service and Other Objective Factors. The maximum number of performance points when a retention score is based on appraisals, service and other objective factors is 50. Performance points will be determined using the following equation:

$$(12 \times \text{Overall performance appraisal average}) - 10 = \text{performance points.}$$

d. Explanation of Equation in Para. 1c. This equation calculating the values awards 50 points (the maximum) for the highest possible appraisal average of 5.0 and 8 points for the appraisal average of 1.5 (meets expectations.) The equation determines the value of all appraisal averages that fall between the highest and lowest values when x = performance appraisal average and y = performance points.

$$\begin{aligned} (1.5, 8) \quad (5.0, 50) \\ m &= 42/3.5 = 12 \\ y - 8 &= 12(x - 1.5) \\ y - 8 &= 12x - 18 \\ y &= 12x - 10 \end{aligned}$$

2. Examples. Using an overall appraisal average of 3.5119, an example of a calculation using each of the equations cited is provided below.

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a. Overall performance appraisal average and federal service (65-point) equation:

$(16 \times \text{Overall performance appraisal average}) - 15 = \text{performance points}$

Example: $(16 \times 3.5119) - 15 = 41.1904$

b. Overall performance appraisal average, federal service and other objective factors (50-point) equation:

$(12 \times \text{Overall performance appraisal average}) - 10 = \text{performance points}$

Example: $(12 \times 3.5119) - 10 = 32.1428$

Appendix III: GAO Order 2319.1

United States
General Accounting Office
Operations Manual



Order

2319.1

GAO SENIOR LEVEL POSITIONS

March 22, 2001

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2319.1

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United States
General Accounting Office
Operations Manual



Order

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March 22, 2001

Subject: GAO SENIOR LEVEL POSITIONS

CHAPTER 1. INTRODUCTION

1. **PURPOSE, SCOPE, AND APPLICABILITY.** This order describes GAO Senior Level (SL) positions established by Pub.L.106-303, October 13, 2000, and states the policies for appointing, reassigning, developing, evaluating, and compensating GAO SL staff. These policies apply to all applicants for or incumbents of SL positions except where otherwise noted.

2. **SUPERSESSON.** This is a new GAO order being issued for the first time.

3. **REFERENCES.**

- a. 31 U.S.C. § 732a as amended by Pub. L. 106-303, October 13, 2000.
- b. Civil Service Reform Act of 1978 (Pub.L.95-454, October 13, 1978).
- c. 31 U.S.C. §§ 731-33.
- d. GAO Order 2317.1, GAO's Senior Executive Service.
- e. GAO Order 2352.1, Reemployment Rights Resulting from Employment Outside of GAO.
- f. GAO Order 2353.1, Reemployment Rights of Employees of the Uniformed Services.
- g. GAO Order 2810.1, Line-of-Duty Injury Benefits for GAO Employees Under the Federal Employees' Compensation Act.

4. **RESPONSIBILITIES.**

a. **The Chief Mission Support Officer.** The Chief Mission Support Officer has overall program responsibility for SL positions including human capital planning, position management, staffing and forecasting, training, and pay administration.

b. **GAO Executive Committee.** The GAO Executive Committee, consisting of the Comptroller General, Chief Operating Officer, Chief Mission Support Officer and General Counsel of the GAO:

(1) establishes policy for SL staffing, performance appraisal, rewards, removal, and reduction in force; and

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(2) determines bonuses and rank awards.

c. Executive Resources Board. The Executive Resources Board (ERB) oversees and makes recommendations to the Comptroller General concerning the merit staffing process for SL positions and reviews the qualifications of career appointees. At the request of an SL member, the ERB reviews the overall performance rating assigned to the member and, if warranted, makes changes in the rating.

d. Managing Directors. With respect to the SL employees they supervise, Managing Directors, or their designees, are responsible for defining duties and responsibilities, developing position descriptions, setting performance expectations and evaluating performance, initiating training and development, and carrying out such other responsibilities as deemed appropriate.

e. Human Capital Officer. The Human Capital Officer assists the GAO Executive Committee, the ERB and the Managing Directors in executing their SL management functions and responsibilities.

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CHAPTER 2. SENIOR LEVEL SYSTEM**1. APPLICABILITY OF SENIOR EXECUTIVE SERVICE ORDER TO SENIOR LEVEL**

POSITIONS. 31 U.S.C. § 732a as amended by Pub. L. 106-303, October 13, 2000, established GAO SL positions that are subject to the same laws and regulations that are applicable to the GAO Senior Executive Service (SES) under title 31 U.S.C. § 733, with respect to rates of basic pay, performance appraisal, performance awards and ranks, carry-over of annual leave, benefits, removal or suspension, and reduction in force. Therefore, this order incorporates by reference the following provisions of GAO Order 2317.1, GAO's Senior Executive Service which are applicable to SL positions:

- a. Chapter 4, Pay, in its entirety;
- b. Chapter 6, Performance Appraisal, para. 3 (Performance Appraisal);
- c. Chapter 6, Performance Appraisal, para. 4 (Responsibilities);
- d. Chapter 7, Recognition and Incentives, in its entirety;
- d. Chapter 8, Removal, Suspension, Reduction in Force, Furlough, in its entirety;
- f. Chapter 9, Other Provisions Affecting SES Members, in its entirety; and
- g. Appendix 4, Reduction in Force Procedures in the SES, in its entirety.

2. OBJECTIVES. The purpose of GAO SL positions is to be responsive to GAO's needs, policies, and goals and otherwise be of the highest quality. To achieve this purpose, GAO SL positions are to be administered with the following objectives:

- a. attracting and retaining highly competent SL staff;
- b. assigning SL staff where they will be most effective in accomplishing GAO's mission;
- c. providing for the selection and development of SL staff;
- d. holding SL staff accountable for their effectiveness and productivity;
- e. rewarding outstanding performers;
- f. dealing with poor performance; and
- g. providing an SL personnel system free of prohibited personnel practices.

3. ESTABLISHING SL POSITIONS.

a. **Criteria for Determining SL positions.** An SL position is a position which is properly classified above the Band III/GS-15 level or in level V of the Executive Schedule (or their equivalents) and which carries out critical scientific, technical or professional work of the GAO. These positions do not generally include managerial or supervisory responsibilities.

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b. Position Descriptions. Position descriptions and qualifications standards are developed by the immediate supervisor of the position and the Director, Center for Recruitment and Human Capital Operations and are approved by the Human Capital Officer. Approved position descriptions and qualification standards are on file in Center for Recruitment and Human Capital Operations.

4. QUALIFICATION STANDARDS. Qualification standards for individual SL positions or for groups of similar positions are based on a job analysis which identifies the scientific/technical/professional skills, knowledge, abilities, and other qualifications which would enable an individual to perform these duties and meet responsibilities and performance expectations. The standards must be job related and devoid of criteria prohibited by law or regulation, e.g., race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation.

5. TYPES OF SL APPOINTMENTS.

a. Career Appointments. Career appointments are made without time limitation under the following conditions:

- (1) selection under competitive procedures for an initial appointment to a SL position;
- (2) selection under noncompetitive procedures based on transfer without a break in service of an SL employee serving in a permanent, continuing career-type position in the executive branch SL or another federal system equivalent to the SL;
- (3) selection under noncompetitive procedures based on transfer without a break in service of an SES employee serving in a permanent, continuing career-type position in the executive branch SES or another federal system equivalent to the SES;
- (4) selection under noncompetitive procedures based on reinstatement of a SL or SES career appointee who has successfully completed a 1-year probationary period and left for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful performance; or
- (5) appointment to an SL position from a GS-15 or a band equivalent position under noncompetitive procedures when the employee's position is reconstituted in the SL due to the accretion of higher level duties and responsibilities. The SL position must be the clear successor to the former position having absorbed the duties of the former position, that is, the incumbent continues to perform all the basic functions of the former position in addition to the higher-level functions.

b. Limited Term Appointments.

- (1) Limited term appointments under 31 U.S.C. § 731(e)(1) for up to 3 years, that may be renewed for an additional 3 years, are made without competition based on GAO certification that the appointee meets the qualification of the SL position.
- (2) For competitive time-limited appointments, see GAO Order 2316.1, Competitive Time-Limited Employment.

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6. MERIT STAFFING PROCESS.

a. Recruitment Area. Recruitment of career appointees includes, at a minimum, all groups of qualified individuals within GAO. GAO may also recruit qualified individuals who occupy positions in the executive, judicial, and legislative branches, or qualified individuals from outside the government when deemed appropriate.

b. Vacancy Announcements. GAO SL vacancies for career appointees must be open for a minimum period of 14 calendar days. The announcement specifies the qualification requirements and the forms and procedures for applying for vacancies.

c. Qualifications. A determination must be made that a candidate for initial career appointment to a GAO SL position possesses sufficient breadth and depth of scientific/technical/professional qualifications.

d. Evaluation Process. All eligible candidates are evaluated on the basis of job-related factors. The ERB or a panel considers the qualifications of candidates, including making reference checks as appropriate. The ERB or a panel makes recommendations to the Comptroller General or designee, who makes the selection. Appropriate records will be maintained to document the process.

e. Applicant Inquiries. Applicants are entitled, upon request, to know whether they were found eligible for the position and whether they were referred to the selecting official for consideration for appointment.

f. Probationary Period. Each new career appointee in an SL position must serve a 1-year probationary period, before the appointment becomes final, unless a probationary period was completed in another GAO SL or SES position. An SL employee who has completed a probationary period elsewhere in government must still serve a 1-year GAO probationary period.

7. CAREER REASSIGNMENTS.

a. Conditions. An SL career appointee may be reassigned to fill another SL or SES position for which the individual is qualified. If the new position is within the local commuting area (non-geographic reassignments) the appointee will receive at least 15 days notice prior to the effective date, except in cases of emergency or when the SL employee agrees to a lesser notice period. For reassignments outside the commuting area (geographic reassignments), the appointee is given, prior to the reassignment, reasonable notice which will not be less than 30 days, except in cases of emergency or where the SL employee agrees to a lesser advance notice period. The SL employee may elect to waive the notice period by submitting a waiver to the Chief Human Capital Officer. GAO pays for applicable relocation expenses connected with a directed reassignment to a different commuting area.

Note: An SES career appointee may be reassigned to fill another SL position for which the individual is qualified under the same conditions in para. 7a of this chapter.

b. 120-day Moratorium. A career appointee may not be involuntarily reassigned within 120 calendar days after the appointment of a new Comptroller General.

c. Failure to Accept a Directed Reassignment. In cases where the proposed reassignment requires geographic relocation of the career appointee to a different commuting area, the individual may decline the reassignment and is entitled to discontinued service retirement, if eligible (see GAO Order 2317.1, GAO's SES).

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8. REINSTATEMENT IN SL POSITIONS. Reinstatement in an SL position as a career appointee is limited to individuals with prior career service in an SL or SES position (1) who have successfully completed the 1-year SL or SES probationary period, and (2) who left an SL or SES position for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful performance. Reinstatement is not subject to merit staffing requirements nor must the position be advertised, but the individual must meet the qualification requirements of the position to which reinstated.

9. REEMPLOYMENT AND RESTORATION RIGHTS.

a. Reemployment Rights. Reemployment rights for SL staff apply when accepting assignments covered in GAO Order 2352.1, Reemployment Rights Resulting from Employment Outside of GAO.

b. Restoration Rights. Restoration rights for SL staff following military duty is covered in GAO Order 2353.1, Reemployment Rights of Employees of the Uniformed Services. Restoration rights for SL staff following recovery from compensable injury is covered in GAO Order 2810.1, Line-of-Duty Injury Benefits for GAO Employees Under the Federal Employees' Compensation Act.

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CHAPTER 3. SENIOR LEVEL PERFORMANCE APPRAISAL

1. PURPOSE AND USES. GAO SL performance appraisal is established to

- a. enhance individual motivation and encourage excellence in GAO SL positions;
- b. increase scientific, technical, professional and organizational effectiveness;
- c. systematically appraise and fairly and accurately reflect the performance of each employee; and
- d. identify performance deserving special recognition and awards.

2. ESTABLISHING SL PERFORMANCE CONTRACTS. Performance contracts must be established for all SL employees. The contract provides a documented record of management expectations and individual job accomplishments. Contracts will be established between the SL employee and the supervisor, but the supervisor has the final authority for approval of the contract.

a. Form. See app. I for instructions for completing GAO Form 578B, SL Performance Contract/Assessment.

b. Appraisal Criteria. Appraisals of performance of SL employees will be based on the individual's performance taking into account the following factors:

- (1) work results,
- (2) improving professional competence,
- (3) thinking critically, and
- (4) collaborating with others.

3. PERFORMANCE APPRAISAL. This order incorporates by reference ch. 6, para. 3, Performance Appraisal, of GAO Order 2317.1, GAO's Senior Executive Service which is applicable to SL positions.

4. RESPONSIBILITIES. This order incorporates by reference ch. 6, para. 4, Responsibilities, of GAO Order 2317.1, GAO's Senior Executive Service which is applicable to SL positions.

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**APPENDIX 1. INSTRUCTIONS FOR SL PERFORMANCE
CONTRACT/ASSESSMENT**

This appendix provides instructions for completing GAO Form 578B, SL Performance Contract/Assessment, which is a one-page form with three parts to be completed for each SL employee no matter what type of appointment the individual occupies. Part 1 is completed at the beginning of each assessment period by the SL employee being rated. Part 2 is completed at the end of the assessment period by both the ratee and his or her supervisor. Part 3 is also completed at the end of the assessment period by the ratee's supervisor. SL employees on duty less than 120 days as of the end of the assessment period do not receive an appraisal for the current year. Their performance during this time, however, will be included in the following year's appraisal.

Form 578B is designed to capture the information needed to serve the purposes of GAO SL performance appraisal. Each part of the form provides only a limited amount of space to highlight the most relevant aspects of the SL employee's performance. The form is designed with blank spaces to accommodate the entry of the unique and specialized performance requirements of the position.

Instructions for completing each part of form 578B follow.

IDENTIFYING INFORMATION

The top of form 578B asks for information to identify the SL employee and the period covered by the appraisal. Space is provided for the name; dates of the rating period; and the employee's level, title and unit. A ratee may also use the title/unit space to record any special responsibilities or tasks not evident from his or her title.

PART 1: INDIVIDUALIZED PERFORMANCE OBJECTIVES

Part 1 is used by the SL employee being rated to include the performance objectives that have been agreed to by the ratee and his or her immediate supervisor. Individualized performance objectives can be tailored to each SL employee based on his or her unique role as determined by the supervisor. Performance expectations may be critical or noncritical based on input from the SL employee, however, the supervisor makes the final decision.

PART 2: OVERALL ACHIEVEMENTS

Part 2 is used by the SL employee being rated to provide a narrative of key accomplishments that support how well his or her performance at the end of the assessment period addressed the requirements of his/her position. Space is provided for four standard elements of achievement: work results, improving professional competence, thinking critically, and collaborating with others. In addition, space is provided for a fifth objective which can be used to record any other achievements, including those which are unit- or position-specific, that the supervisor deems to be relevant.

Part 2 is also used by the ratee's immediate supervisor to check the appropriate rating box for each element of achievement to indicate the degree to which the ratee's overall achievements satisfied the performance objectives. In making this assessment, the supervisor also considers the substance and level of efforts made and other available information. Three levels of achievement are possible:

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- exceeded expectations,
- met expectations, and
- did not meet expectations.

PART 3: SUPERVISOR'S ASSESSMENT OF PERFORMANCE

Part 3 is used by the immediate supervisor to provide a proposed overall rating. The following five levels of performance are possible for this overall rating:

- exceptional,
- superior,
- fully successful,
- minimally satisfactory, and
- unsatisfactory.

At his or her discretion, the supervisor may include a brief narrative assessment of the ratee's overall performance. If called upon later, the supervisor must be able to articulate more detailed reasons for specific ratings. This is especially important when a supervisor decides a ratee's performance is other than Fully Successful.

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**APPENDIX 2. OVERVIEW OF PERSONNEL PROVISIONS, INCENTIVES, AND
BENEFITS BY TYPE OF APPOINTMENT FOR SL POSITIONS**

	Career Appointee	Limited Term Appointee
Position qualification requirements	Yes	Yes
One year probationary period	Yes	No
Performance appraisal	Yes	Yes
Bonuses	Yes	No ^a
Merit rank awards	Yes	No ^a
Incentive awards	Yes	Yes
Sabbaticals	Yes	No
Sick Leave	Yes	Yes
Annual Leave (up to 720 hours or or personal ceiling)	Yes	Yes
Overtime pay; compensatory time (other than for religious observances)	No	No
Retirement	Yes	Yes ^b
Life Insurance (FGLI)	Yes	Yes ^b
Health Insurance	Yes	Yes ^b
Travel expenses for pre-employment interview	Yes	Yes
Travel and transportation expenses upon first appointment to SL	Yes	Yes

^a "Yes" if the appointee previously held a SES career or CG career appointment in GAO's SES, or was appointed through a competitive process equivalent to that used to select a career appointee.

^b "No" if appointment is limited to 1 year or less.

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