

GAO

Report to the Honorable
Patricia Schroeder, House of
Representatives

October 1995

PERSONNEL PRACTICES

Career Appointments of Legislative, White House, and Political Appointees





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

General Government Division

B-261013

October 10, 1995

The Honorable Patricia Schroeder
House of Representatives

Dear Ms. Schroeder:

At various times, especially during a presidential transition or a large turnover of congressional membership, political appointees at federal departments and agencies and employees of the White House and Congress sometimes apply for and receive career appointments in the competitive civil service or Senior Executive Service (SES). These appointments are sensitive. The political nature of the past assignments of such individuals can create concern about whether they had an unfair advantage in the merit system selection process, even the appearance of which could compromise the integrity of the civil service system.

To help add historical perspective to this issue, you asked us to examine the number and patterns, if any, of such appointments made between October 1, 1984, and June 30, 1994. This report provides that information.

Background

Generally, federal employees who serve under noncareer SES or Schedule C appointments are considered to be political appointees. They are appointed by the administration in office to support and advocate the president's goals and policies. Noncareer SES appointees receive noncompetitive appointments to SES positions that normally involve the advocacy, formulation, and direction of administration programs and policies. Schedule C appointees receive noncompetitive appointments to positions excepted from the competitive service, normally graded GS/GM-15 or below, that involve determining policy or that require a close, confidential working relationship with the agency head or other key agency officials.

Qualified political appointees are permitted to apply and compete for career appointments to positions in the competitive service and SES. Appointments that are approved are called "conversions" and must conform to both the merit system principles contained in the Civil Service Reform Act of 1978, as amended, and Office of Personnel Management (OPM) regulations.

Individuals who serve in the Office of the President or Vice President, on the White House staff, and in the legislative and judicial branches are

permitted to apply for noncompetitive appointment to career positions in the competitive service. Under 5 C.F.R. section 315.602, such appointments are authorized on the basis of White House service for employees who have served at least 2 years, who are appointed without a break in service, and who meet applicable qualification requirements for the career positions. Similarly, the Ramspeck Act of 1940 (5 U.S.C. 3304(c)) authorizes noncompetitive appointments based on service in the legislative and judicial branches for anyone who has served at least 3 years as a congressional employee or 4 years as a secretary or law clerk in the judicial branch, who was separated involuntarily and without prejudice, who is appointed within 1 year from the date of separation, and who meets the applicable qualification requirements for the career position.

Results in Brief

Governmentwide, during the period October 1, 1984, through June 30, 1994, a total of 1,090 former political and congressional/judicial branch employees received career appointments.¹ Of these, 552 individuals received noncompetitive appointments under the Ramspeck Act authority, and 502 individuals converted from Schedule C and noncareer SES positions to competitive appointments. Another 36 individuals received White House service appointments. Of the 1,090 appointments, 42 were to the SES level. The remaining 1,048 appointments were to positions equivalent to GS/GM-15 or below. The median grade received for Ramspeck Act and White House appointments was at the GS-12 level. The median grade received for conversions was at the GS-13 level.

Ramspeck Act appointments have followed a cyclical trend over the 10-year period, increasing significantly during those years immediately following federal elections. Our analysis indicates that this cycle can generally be associated with turnover in congressional membership and the consequent involuntary separation of congressional employees. The pattern of Schedule C and noncareer SES conversions and White House service appointments is less distinctive.

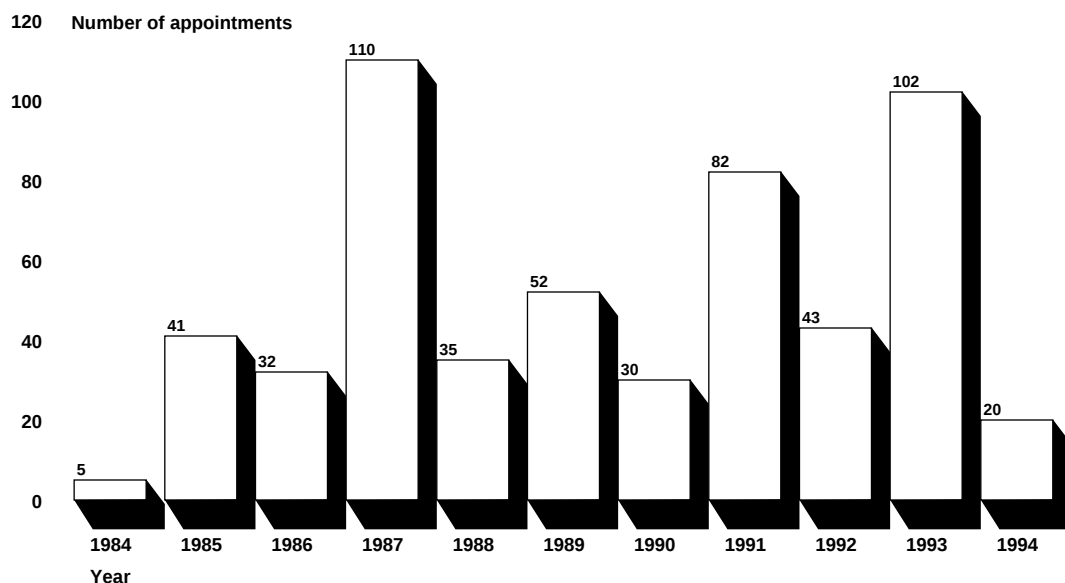
Cabinet-level departments accounted for the majority of appointments. These departments made 81 percent of the Ramspeck Act appointments, 76 percent of the conversions of former Schedule C and noncareer SES appointments, and 81 percent of the White House service appointments.

¹For purposes of perspective, it should be noted that total career appointments governmentwide far exceeded this number. For example, during the period 1990 through 1994, almost 148,000 full-time career appointments were made governmentwide.

Ramspeck Act Appointments

During the period October 1, 1984, through June 30, 1994, a total of 552 former congressional and judicial branch employees received noncompetitive appointments to career service under Ramspeck Act authority. Figure 1 shows the number of appointments on a calendar year basis.

Figure 1: Ramspeck Act Appointments, October 1, 1984, Through June 30, 1994



Source:OPM Central Personnel Data File.

A principal purpose of the Ramspeck Act is to help qualified congressional staffers obtain career positions in the civil service if they are involuntarily, and without prejudice, separated from congressional employment. This frequently occurs when a Member of Congress retires, is not reelected, or dies. As figure 1 shows, each even-numbered federal election year is followed by an increase in Ramspeck Act appointment activity. An apparent explanation is that an increased number of congressional staff lost employment due to election returns and subsequently secured employment in the career service. The most noticeable increases in

Ramspeck Act appointments during the period covered by our review occurred in 1987 and 1993.

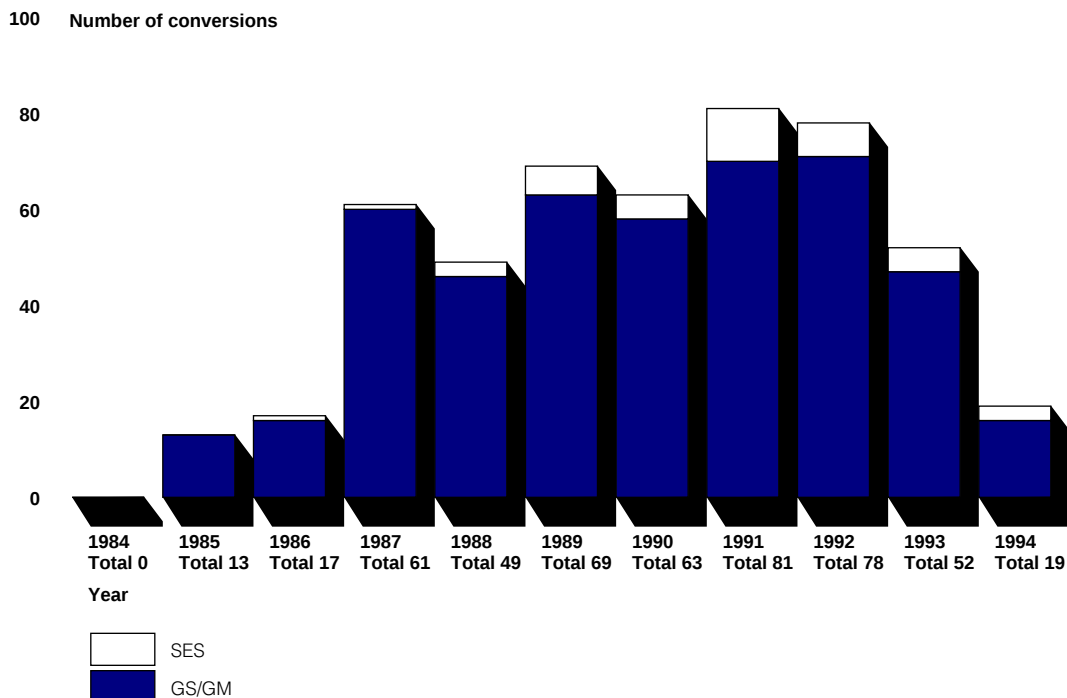
Under Ramspeck Act authority, qualified candidates may be appointed only to positions below SES. Governmentwide, the median GS/GM level for 548 of the 552 appointments was at the GS-12 level. We did not include four appointments that were made to other pay plans. Appendix I contains information on the grade levels to which individuals were appointed.

The Ramspeck Act appointments during this 10-year period were made by a total of 36 executive branch agencies. The cabinet-level departments accounted for 447, or about 81 percent, of the 552 appointments made. Appendix II lists the number of Ramspeck Act appointments made by each of the 36 agencies.

Conversions of Former Schedule C and Noncareer SES Appointees

Figure 2 shows that a total of 502 Schedule C and noncareer SES appointees were converted to career positions during the period covered. (See appendix III for details on the grade levels received by these political appointees. Appendix IV lists the number of career appointments granted to political appointees by each agency over the 10-year period.)

Figure 2: Schedule C and Noncareer SES Conversions to Career Positions, October 1, 1984, Through June 30, 1994



Source: OPM Central Personnel Data File.

A less distinctive pattern emerges from figure 2 than was apparent in figure 1. However, it is noticeable that the number of conversions increased in 1987 and 1988, the last 2 years of the Reagan administration, and in 1991 and 1992, the last 2 years of the Bush administration. A possible explanation is that toward an end of a president's term of office, some political appointees, seeking to continue their government service, apply and compete for career appointments.

Conversely, the lower numbers of conversions in the first 2 years of the second Reagan administration (1985 and 1986) and the first 2 years of the Clinton Administration (1993 and 1994) seem to support the notion that political appointees are less interested in seeking career status in the competitive service in the early years of a presidential term. Further, it is generally recognized that, because of delays in designating individuals for

political appointments, there are smaller numbers of appointees at the beginning of a new administration. The first 2 years of the Bush administration (1989 and 1990) seem to contradict this general truth. However, some of the political appointees who sought career status during these 2 years may have been holdovers from the Reagan administration.

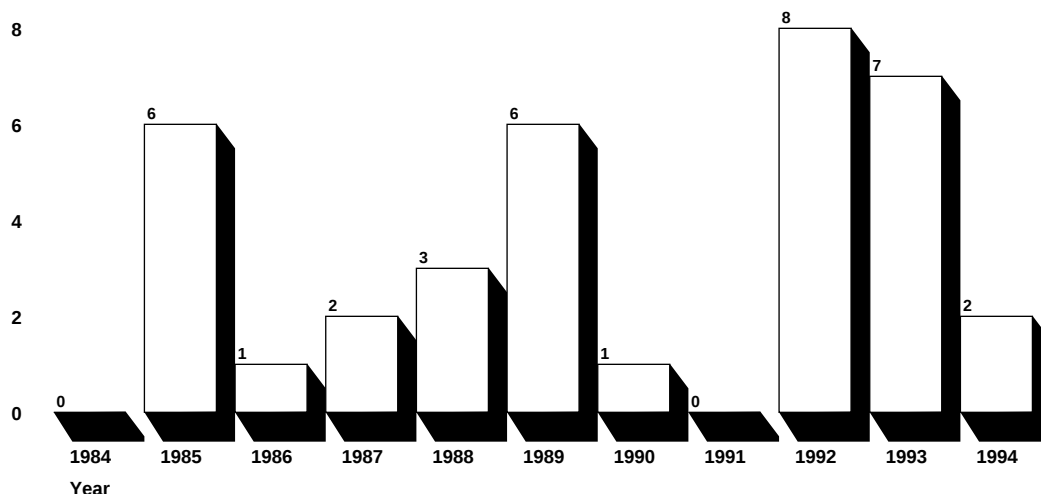
Of the 502 conversions, 42 were to career SES positions. The remaining 460 conversions were to GS/GM-15 positions and below. The median GS position received was at the GS-13 level. Cabinet-level departments accounted for 382, or about 76 percent, of the 502 conversions.

White House Service Appointments

White House service appointments may be made to positions at the GS/GM-15 level and below. We identified a total of 36 individuals who received career appointments based on their White House service. These are shown in figure 3 by the calendar year of their career appointments.

Figure 3: White House Service Appointments, October 1, 1984, Through June 30, 1994

10 Number of appointments



Source: OPM Central Personnel Data File.

Of the 36 White House service appointments, 15 were to grades GS-11 and below; 13 were to the GS-12 and GS-13 levels; and 8 were to the GS-14 and GS-15 levels. The median grade received was at the GS-12 level. Appendix V contains a further breakdown of this information.

The Cabinet-level departments made 81 percent of the appointments. The remainder of the appointments were made by the General Services Administration, the National Aeronautics and Space Administration, the National Archives and Records Administration, and the Executive Office of the President. Appendix VI lists the number of White House service appointments at each of the agencies. Finally, appendix VII presents total Ramspeck Act, conversion to career, and White House service appointments by agency during the 10-year period.

Scope and Methodology

We used OPM's Central Personnel Data File to obtain the information on employees appointed during the period October 1, 1984, through June 30, 1994, to executive branch positions (1) under the Ramspeck Act and (2) based on White House service. At the time we did our work, the most recent date for which OPM had appointment information was June 30, 1994. The information we obtained included the employees' grades and occupations, their pay plans and salaries at appointment, and their appointing agencies. We obtained similar information for individuals who served under Schedule C and noncareer SES appointments and who subsequently received a career or career-conditional competitive appointment or career SES appointment.

We compared and analyzed the number of these appointments over the selected period. We also compared and analyzed these appointments by appointing agency and by the grade level received.

We did not independently verify the data provided by OPM. We conducted our review in Washington, D.C., from January 1995 to June 1995 in accordance with generally accepted government auditing standards.

Agency Comments

We requested comments on a draft of this report from the Director of OPM or his designee. On September 1, 1995, we discussed the report with the Deputy Chief of Staff. He agreed with the facts presented and observed that the total number of appointments cited in the report is relatively small compared to the total appointments made governmentwide during the same period. OPM also said that the agency had not experienced major or

systemic problems with agencies misusing the appointment authorities covered in the report, although there had been isolated instances of misuse.

As agreed, unless you publicly release the contents of this report earlier, we plan no further distribution until 5 days from its date. At that time, we will send copies to the Director of OPM and other interested parties and make copies available to others upon request.

This report was developed under the direction of Richard W. Caradine, Assistant Director. Walter E. Reed, Jr., and Michael H. Little analyzed the data and prepared the report. Please contact me at (202) 512-8676 if you have questions concerning this report.

Sincerely yours,

A handwritten signature in black ink, reading "L. Nye Stevens". The signature is written in a cursive, flowing style.

L. Nye Stevens
Director, Federal Management
and Workforce Issues

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Abbreviations

OPM	Office of Personnel Management
SES	Senior Executive Service



Ramspeck Act Appointments by Agency, October 1, 1984, Through June 30, 1994

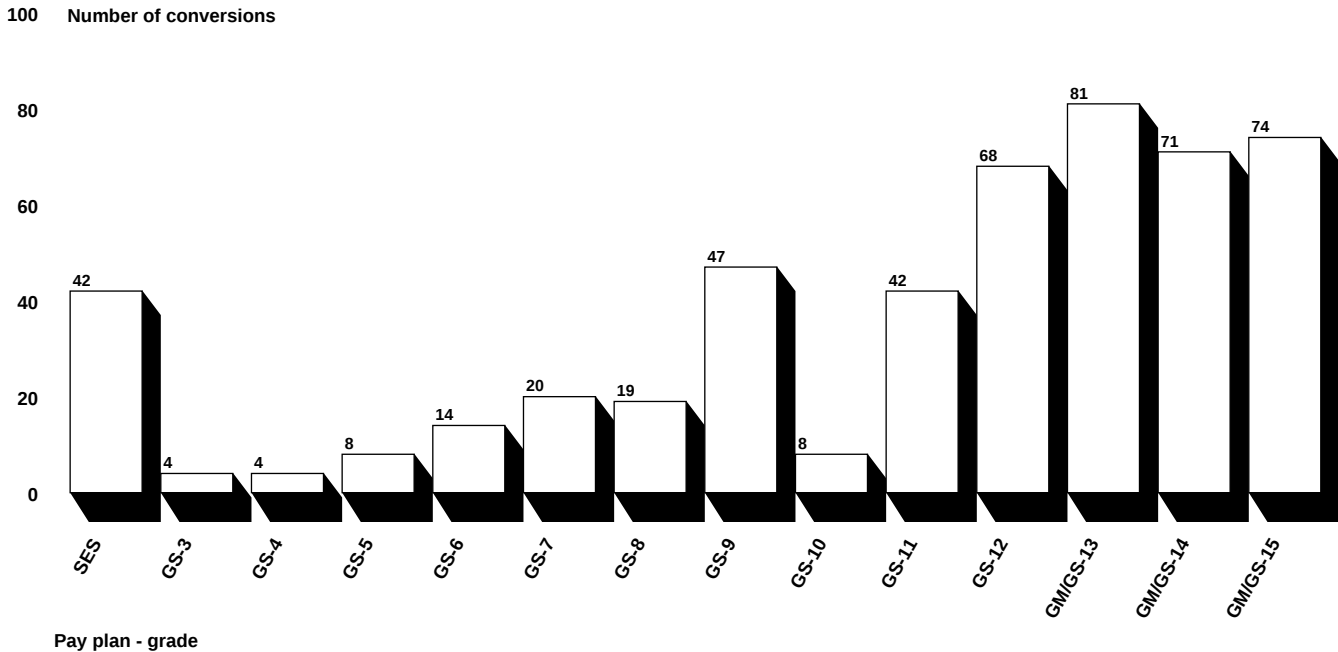
Agency	Ramspeck Act appointments
ACTION	5
African Development Foundation	3
Agency for International Development	2
Department of Agriculture	51
Department of Commerce	33
Department of Defense	40
Department of Education	25
Department of Energy	23
Department of Health and Human Services	68
Department of Housing and Urban Development	19
Department of the Interior	55
Department of Justice	29
Department of Labor	8
Department of State	9
Department of Transportation	21
Department of the Treasury	30
Department of Veterans Affairs	36
Environmental Protection Agency	18
Equal Employment Opportunity Commission	1
Federal Emergency Management Agency	3
General Services Administration	15
International Cultural and Trade Center Commission	1
Interstate Commerce Commission	1
National Aeronautics and Space Administration	2
National Archives and Records Administration	4
National Credit Union Administration	1
National Foundation on the Arts and the Humanities	5
National Science Foundation	2
Office of Management and Budget	1
Office of National Drug Control Policy	2

(continued)

Appendix II
Ramspeck Act Appointments by Agency,
October 1, 1984, Through June 30, 1994

Agency	Ramspeck Act appointments
Office of Personnel Management (OPM)	8
Small Business Administration	24
Smithsonian Institution	2
U.S. Arms Control and Disarmament Agency	1
U.S. Information Agency	3
U.S. International Trade Commission	1
Total governmentwide	552

Career Appointments Granted Political Appointees by Grade Received, October 1, 1984, Through June 30, 1994



Note: The figure shows grade levels received for 319 of the 326 career appointments. Seven appointments made to other pay plans were omitted.

Source: OPM Central Personnel Data File.

Career Appointments Granted Political Appointees by Agency, October 1, 1984, Through June 30, 1994

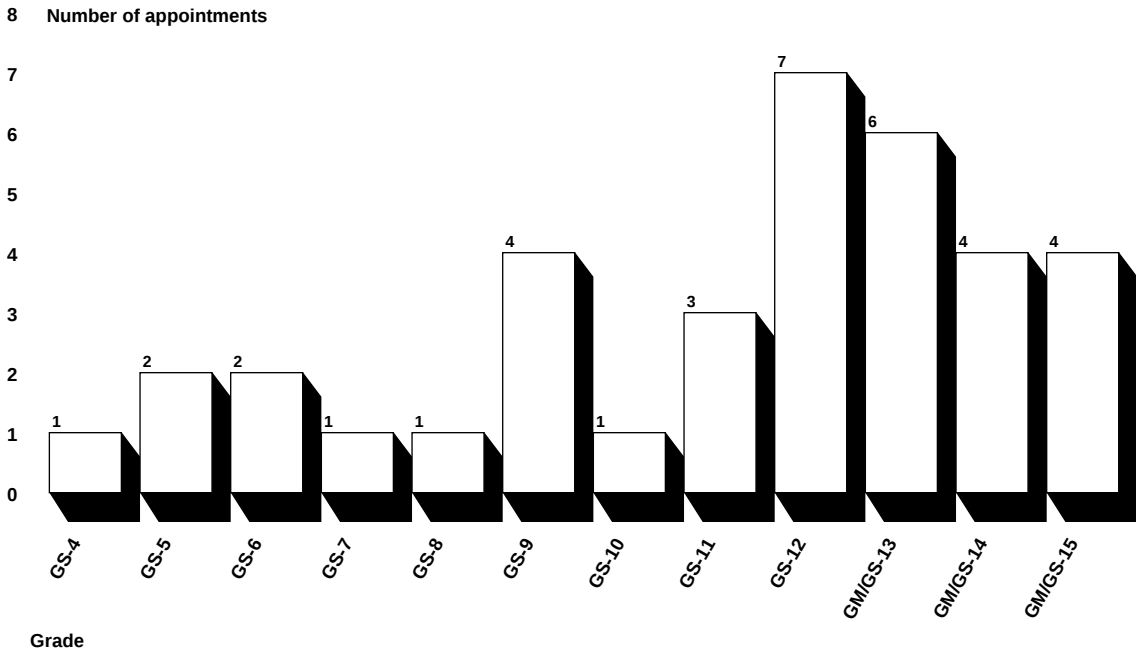
Agency	Appointments
ACTION	1
Agency for International Development	2
Appalachian Regional Commission	1
Arctic Research Commission	1
Board for International Broadcasting	1
Consumer Product Safety Commission	1
Department of Agriculture	23
Department of Commerce	38
Department of Defense	60
Department of Education	30
Department of Energy	49
Department of Health and Human Services	22
Department of Housing and Urban Development	44
Department of the Interior	23
Department of Justice	23
Department of Labor	8
Department of State	20
Department of Transportation	22
Department of the Treasury	13
Department of Veterans Affairs	7
Environmental Protection Agency	12
Equal Employment Opportunity Commission	3
Export-Import Bank	4
Federal Communications Commission	2
Farm Credit Administration	2
Federal Deposit Insurance Corporation	7
Federal Emergency Management Agency	4
Federal Home Loan Bank Board	3
Federal Labor Relations Authority	1
Federal Mediation and Conciliation Service	1
Federal Trade Commission	4
General Services Administration	6
Interstate Commerce Commission	1
Merit Systems Protection Board	1
National Aeronautics and Space Administration	5
National Archives and Records Administration	2
National Council on the Handicapped	1
National Credit Union Administration	3

(continued)

Appendix IV
Career Appointments Granted Political
Appointees by Agency, October 1, 1984,
Through June 30, 1994

Agency	Appointments
National Foundation on the Arts and the Humanities	1
National Labor Relations Board	1
National Regulatory Commission	1
National Science Foundation	2
National Transportation Safety Board	1
Office of Management and Budget	1
Office of National Drug Control Policy	1
Office of Personnel Management (OPM)	3
Pension Benefits Guaranty Corporation	1
Railroad Retirement Board	1
Securities and Exchange Commission	10
Small Business Administration	16
Smithsonian Institution	1
U.S. Arms Control and Disarmament Agency	3
U.S. Information Agency	8
Total governmentwide	502

White House Service Appointments by Grade Received, October 1, 1984, Through June 30, 1994



Source: OPM Central Personnel Data File.

White House Service Appointments by Agency, October 1, 1984, Through June 30, 1994

Agency	Appointments
Department of Agriculture	3
Department of Commerce	2
Department of Defense	5
Department of Education	3
Department of Energy	9
Department of Health and Human Services	1
Department of the Interior	2
Department of Justice	2
Department of Transportation	5
Department of the Treasury	3
General Services Administration	3
National Aeronautics and Space Administration	2
National Archives and Records Administration	1
Office of Administration, Executive Office of the President	1
Total governmentwide	36

Total Ramspeck Act, Conversion to Career, and White House Service Appointments by Agency, October 1, 1984, Through June 30, 1994

Agency	Appointments			Total
	Ramspeck Act	Conversion to career	White House service	
ACTION	5	1		6
African Development Foundation	3			3
Agency for International Development	2	2		4
Appalachian Regional Commission		1		1
Arctic Research Commission		1		1
Board for International Broadcasting		1		1
Consumer Product Safety Commission		1		1
Department of Agriculture	51	23	3	77
Department of Commerce	33	38	2	73
Department of Defense	40	60	5	105
Department of Education	25	30	3	58
Department of Energy	23	49	3	75
Department of Health and Human Services	68	21	1	90
Department of Housing and Urban Development	19	44		63
Department of the Interior	55	23	2	80
Department of Justice	29	23	2	54
Department of Labor	8	8		16
Department of State	9	20		29
Department of Transportation	21	22	5	48
Department of the Treasury	30	13	3	46
Department of Veterans Affairs	36	7		43
Environmental Protection Agency	18	12		30
Equal Employment Opportunity Commission	1	3		4
Export-Import Bank		4		4
Federal Communications Commission		2		2
Farm Credit Administration		2		2
Federal Deposit Insurance Corporation		7		7
Federal Emergency Management Agency	3	4		7
Federal Home Loan Bank Board		3		3
Federal Labor Relations Authority		1		1
Federal Mediation and Conciliation Service		1		1
Federal Trade Commission		4		4
General Services Administration	15	6	3	24
International Cultural and Trade Center Commission	1			1
Interstate Commerce Commission	1	1		2
Merit Systems Protection Board		1		1

(continued)

Appendix VII
Total Ramspeck Act, Conversion to Career,
and White House Service Appointments by
Agency, October 1, 1984, Through June 30,
1994

Agency	Appointments			Total
	Ramspeck Act	Conversion to career	White House service	
National Aeronautics and Space Administration	2	5	2	9
National Archives and Records Administration	4	2	1	7
National Council on the Handicapped		1		1
National Credit Union Administration	1	2		3
National Foundation on the Arts and the Humanities	5	1		6
National Labor Relations Board		1		1
National Regulatory Commission		1		1
National Science Foundation	2	2		4
National Transportation Safety Board		1		1
Office of Administration, Executive Office of the President			1	1
Office of Management and Budget	1	1		2
Office of National Drug Control Policy	2	1		3
Office of Personnel Management (OPM)	8	3		11
Pension Benefits Guaranty Corporation		1		1
Railroad Retirement Board		1		1
Securities and Exchange Commission		10		10
Small Business Administration	24	16		40
Smithsonian Institution	2	1		3
U.S. Arms Control and Disarmament Agency	1	3		4
U.S. Information Agency	3	8		11
U.S. International Trade Commission	1			1
Total governmentwide	552	502	36	1,090

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