



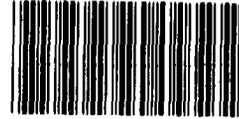
UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

WRAS 111527

DIVISION OF FINANCIAL AND
GENERAL MANAGEMENT STUDIES

FEBRUARY 11, 1980

B-196872



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The Honorable Charles McC. Mathias, Jr.
United States Senate

Dear Senator Mathias:

Subject: [Problems in Archives Personnel Practices]
(FGMSD-80-29)

Your inquiry of August 28, 1979, asked for our findings and views on a constituent's allegation of unfair treatment in terms of promotions and assignments at the National Archives and Records Service (NARS). The constituent attributes the alleged unfair treatment to a "buddy system" in his branch of NARS which operates under the National Archives Trust Fund. Specific complaints, such as this, are normally handled through the Office of Personnel Management (OPM) or the Merit Systems Protection Board, and as discussed with your office, it is not appropriate for the General Accounting Office to become involved in this case. However, we would like to comment on some of the practices at NARS regarding the hiring and utilization of employees.

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The National Archives Trust Fund was created by statute in 1941 primarily to handle gifts and bequests for the general benefit of the National Archives. In 1948, the law was amended to authorize the Archivist to charge for reproductions of archival records and materials and deposit the fees in the trust fund. The authorizing legislation also grants the National Archives Trust Fund Board the authority to hire necessary employees without regard to civil service laws and requires these trust fund employees to be paid with trust fund monies. The legislative history shows that this direct hire authority for trust fund employees was granted so that highly qualified technical persons could be hired for short periods of time.

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We believe that this legislative intent is not being followed because most of the approximately 240 people now employed by the trust fund are full-time employees who hold positions not requiring special skills or knowledge. For

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example, many trust fund employees hold administrative, clerical, or technical positions not specifically related to archival matters but which can be found in most Government agencies. Also, we found employees who held trust fund positions and later held the same or very similar positions under competitive appointments. This indicates that specialized skills and knowledge were not prerequisites for the trust fund position. Finally, the fact that we found people employed by the trust fund as long as 13 years shows they were not employed on a temporary basis.

OPM regulations preclude assigning people with excepted appointments (like trust fund employees) to the work of positions in the competitive service without OPM's prior approval. Due to an intermixture of trust fund and appropriated activities at NARS, numerous employees, both excepted and competitive service, have split duties--working partly on trust fund projects and partly on appropriated activities. In some cases, trust fund employees supervise competitive service employees, and vice versa, without the required OPM approval. An internal NARS report confirms that the requirement for prior OPM approval has been violated repeatedly.

We were asked earlier by the Chairman of the House Subcommittee on Government Information and Individual Rights, who has oversight responsibility for NARS, to review the operation of the National Archives Trust Fund. During our review we found 43 employees who were paid sometimes from appropriated monies and sometimes from trust funds during the 2-year period we examined. Some were originally hired and paid under the trust fund's direct hire authority and then later paid with appropriated monies. Others were originally paid from appropriated funds and later with trust funds. (However, none was paid from both funds for the same pay period.) Eight of the 43 employees were transferred, for pay purposes, from one fund to the other more than once. Although we did not question whether these employees obtained the proper competitive status before being paid with appropriated funds, we believe this practice of transferring employees gives NARS the opportunity to avoid requirements of the competitive service.

Many trust fund employees work side-by-side with employees paid by appropriations and, in some instances, do the same jobs. These conditions, coupled with split duties, mixed supervision, the lack of a trust fund organizational chart, and no written personnel policies for trust fund employees have had a negative impact on employee morale.

We expressed our views and findings on the fund's operation, including the hiring and utilization of trust fund

employees, at Subcommittee hearings on June 25 and July 30, 1979. We believe there may no longer be a need for the direct hire authority and at the Subcommittee's direction, we drafted legislation which would eliminate that authority.

NARS, in its testimony before the Subcommittee on September 20, 1979, took issue with our interpretation of the Congress' intent for the direct hire authority. NARS officials said that although they preferred the direct hire authority to continue, the loss of the authority alone would not result in discontinuing activities carried out through the trust fund. In addition, they said that all trust fund positions were being reviewed to ensure that employees had the proper type of appointment and that a manual outlining criteria for direct hire was being developed. The entire trust fund operation was under review by the General Services Administration's inspector general at the time of the September 20 hearings and he testified that, based on his preliminary findings, he basically concurred with our position.

Due to Congressional interest in the National Archives Trust Fund and its operation, it is likely that changes will be forthcoming. We continue to believe that if the direct hire authority is eliminated, many of the current problems will be resolved.

As arranged with your office, we are sending a copy of this letter to the Acting Archivist of the United States. We also will give copies to people who request them.

You furnished us some material that you asked us to return. This material will be sent separately.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. L. Scantlebury". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

D. L. Scantlebury
Director