



September 2020

# SENIOR EXECUTIVE SERVICE

## Opportunities for Selected Agencies to Improve Their Career Reassignment Processes

Accessible Version

# GAO Highlights

Highlights of [GAO-20-559](#), a report to congressional requesters

## Why GAO Did This Study

The SES was created in 1978 as a corps of federal executives selected for their leadership qualifications. They serve in key positions just below the top presidential appointees. Federal agencies have broad authority to reassign career SES members, but these reassignments must meet certain requirements. GAO was asked to provide information on the reassignments of career SES members. Among other things, this report examines (1) career SES reassignments at selected agencies within the moratoriums on involuntary reassignments from fiscal years 2017 through 2019, (2) the extent to which selected agencies followed requirements, and (3) OPM's monitoring of career SES reassignments.

GAO analyzed personnel records, reviewed agency processes, and interviewed agency officials from four selected agencies that were among those with the highest percentage of career SES members reassigned in fiscal year 2017. GAO also reviewed requirements and OPM guidance, and interviewed OPM officials.

## What GAO Recommends

GAO is making four recommendations, including one each to Commerce, HUD, and Interior to improve their career SES reassignment processes, to which each agency agreed. GAO also recommends OPM monitor career SES reassignments. OPM disagreed, but GAO maintains that oversight is needed, as discussed in the report.

View [GAO-20-559](#). For more information, contact Michelle B. Rosenberg at (202) 512-6806 or [RosenbergM@gao.gov](mailto:RosenbergM@gao.gov).

September 2020

## SENIOR EXECUTIVE SERVICE

# Opportunities For Selected Agencies To Improve Their Career Reassignment Processes

## What GAO Found

The Senior Executive Service (SES) was designed, in part, to enable agencies to assign and reassign career SES members to best accomplish the agency's mission. When reassigning career SES members, agencies must meet requirements to protect career SES members from arbitrary and capricious actions. These protections include two 120-day moratoriums when agencies cannot involuntarily reassign career SES members, although voluntary reassignments are permissible, if certain requirements are met. The moratorium periods begin upon the permanent appointment of a (1) new agency head or (2) career SES member's new, noncareer supervisor (e.g., a political appointee).

Selected agencies GAO reviewed—the Departments of Commerce (Commerce), Energy, Housing and Urban Development (HUD), and Interior (Interior)—varied in the extent to which they reassigned career SES members during moratoriums. Agencies most often initiated these reassignments to address agency-specific priorities, including filling senior-level vacancies and succession planning.

**Reassignments Made within 120-Day Moratoriums at Selected Agencies, Fiscal Years 2017 through 2019**

Selected agency	New agency head moratorium	New, noncareer supervisor moratorium
Department of Commerce	8	1
Department of Energy	10	6
Department of Housing and Urban Development	0	5
Department of the Interior <sup>a</sup>	10	1
Subtotal	28	13
<b>Total</b>		<b>41</b>

Source: GAO analysis of selected agency documentation. | GAO-20-559

<sup>a</sup>Includes reassignments from October 30, 2017, through September 30, 2019, to avoid duplicating work previously performed by the department's Office of Inspector General.

Selected agencies could not always demonstrate that they met requirements for career SES reassignments, especially for reassignments during the new, noncareer supervisor moratorium. Specifically:

- Commerce did not maintain required documentation,
- HUD did not seek written waivers from the career SES member, and
- Interior's process did not address how to make reassignments during the moratorium.

As a result, they could not always show that career SES member reassignments during moratorium periods were voluntary. Each agency made or was making improvements to their career SES reassignment process, but in some cases need to make further process changes to fully address reassignment requirements.

The Office of Personnel Management (OPM) is responsible for the governmentwide management of the SES. While OPM has oversight authority, it has not monitored career SES reassignments, or required agencies to take corrective actions. As a result, OPM is likely missing opportunities to correct career SES reassignments that were contrary to requirements.

---

# Contents

Background	4
Governmentwide Career SES Reassignment Rates Fluctuated from Fiscal Years 2007 through 2018	9
Selected Agencies Reassigned SES Members during Moratoriums to Address Agency Priorities with Varying Frequency and Related Costs	15
Selected Agencies Did Not Always Follow Requirements and OPM Guidance, But Had or Were Developing Processes for Reassigning Career SES during Moratorium Periods	19
OPM Has Developed Guidance and Tools That Can Help Agencies Meet Requirements for Career SES Reassignments, but Does Not Monitor or Provide Oversight of Their Compliance	32
Conclusions	34
Recommendations for Executive Action	35
Agency Comments and Our Evaluation	36

---

Appendix I: Objectives, Scope, and Methodology	40
Appendix II: Career Senior Executive Service (SES) Reassignments by Federal Agency, Fiscal Years 2007 through 2018	43
Appendix III: Career Senior Executive Service (SES) Reassignments at Selected Agencies, Fiscal Years 2017 through 2019	47
Appendix IV: Career Senior Executive Service (SES) Reassignments at Selected Agencies in the 60 Days Following the End of the New Agency Head Moratorium, Fiscal Years 2017 through 2019	52
Appendix V: Comments from the Department of Commerce	56
Appendix VI: Comments from the Department of Housing and Urban Development	60
Appendix VII: Comments from the Department of the Interior	62
Appendix VIII: Comments from the Office of Personnel Management	65
Appendix IX: Accessible Data	69
Data Tables	69

---

Appendix X: GAO Contact and Staff Acknowledgments	72
GAO Contact	72
Staff Acknowledgments	72

---

Tables

Table 1: Career Senior Executive Service (SES) Reassignment Requirements	7
Table 2: Reassignments Made within 120-Day Moratoriums at Selected Agencies, Fiscal Years 2017 through 2019	16
Table 3: Assessment of the Department of Commerce's Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments within Moratorium Periods, Fiscal Years 2017 through 2019 <sup>21</sup>	
Table 4: Assessment of the Department of Energy's Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments	

---

within Moratorium Periods, Fiscal Years 2017 through 2019	
Table 5: Assessment of the Department of Housing and Urban Development's (HUD) Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments within Moratorium Periods, Fiscal Years 2017 through 2019	26
Table 6: Assessment of the Department of the Interior's Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments, October 30, 2017 through September 30, 2019	31
Table 7a: Number and Percent of Career Senior Executive Service (SES) Member Reassignments, by Agency, Fiscal Years 2007 through 2018	43
Table 7b: Number and Percent of Career Senior Executive Service (SES) Member Reassignments, by Agency, Fiscal Years 2007 through 2018 (continued)	45
Table 8: Senior Executive Service (SES) Reassignments Made at the Department of Commerce within Moratorium Periods, Fiscal Years 2017 through 2019	47
Table 9: Senior Executive Service (SES) Reassignments Made at the Department of Energy, within Moratorium Periods, Fiscal Years 2017 through 2019	48
Table 10: Senior Executive Service (SES) Reassignments Made at the Department of Housing and Urban Development (HUD) within Moratorium Periods, Fiscal Years 2017 through 2019	50
Table 11: Senior Executive Service (SES) Reassignments at the Department of the Interior Made within Moratorium Periods, October 30, 2017 through September 30, 2019	50
Table 12: Career Senior Executive Service (SES) Reassignments at the Department of Commerce in the 60 Days Following the End of the New Agency Head Moratorium (June 29, 2017 through August 28, 2017)	53
Table 13: Career Senior Executive Service (SES) Reassignments at the Department of Energy in the 60 Days Following the End of the New Agency Head Moratorium (July 1, 2017 through August 30, 2017)	53
Table 14: Career Senior Executive Service (SES) Reassignments at the Department of Housing and Urban Development in	

---

the 60 Days Following the End of the New Agency Head Moratorium (July 1, 2017 through August 30, 2017)	54
Table 15: Career Senior Executive Service (SES) Reassignments at the Department of the Interior in the 60 Days Following the End of the New Agency Head Moratorium (August 10, 2019 through October 8, 2019)	55

---

Figures

Figure 1: Reassignments of Career Senior Executive Service (SES) Members Governmentwide, Fiscal Years 2007 through 2018	10
Figure 2: Career Senior Executive Service (SES) Reassignments Involving Relocations, Fiscal Years 2007 through 2018	11
Figure 3: Reassignments of Retirement-Eligible Career Senior Executive Service (SES) Members, Fiscal Years 2007 through 2018	13
Figure 4: Reassignments of Career Senior Executive Service (SES) Members by Gender, Fiscal Years 2007 through 2018	14
Figure 5: Reassignments of Career Senior Executive Service (SES) Members, by Race, Fiscal Years 2007 through 2018	15
Figure 1: Reassignments of Career Senior Executive Service (SES) Members Governmentwide, Fiscal Years 2007 through 2018	69
Figure 2: Career Senior Executive Service (SES) Reassignments Involving Relocations, Fiscal Years 2007 through 2018	69
Figure 3: Reassignments of Retirement-Eligible Career Senior Executive Service (SES) Members, Fiscal Years 2007 through 2018	70
Figure 4: Reassignments of Career Senior Executive Service (SES) Members by Gender, Fiscal Years 2007 through 2018	70
Figure 5: Reassignments of Career Senior Executive Service (SES) Members, by Race, Fiscal Years 2007 through 2018	71

---

**Abbreviations**

CFO Act	Chief Financial Officers Act of 1990
Commerce	Department of Commerce
EHRI	Enterprise Human Resources Integration

---

---

Energy	Department of Energy
ERB	Executive Resources Board
ERO	Executive Resources Office
GS	General Schedule
HUD	Department of Housing and Urban Development
Interior	Department of the Interior
OCEM	Office of Corporate Executive Management
OIG	Office of Inspector General
OPM	Office of Personnel Management
SES	Senior Executive Service

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



September 16, 2020

Congressional Requesters

The Senior Executive Service (SES), established by the Civil Service Reform Act of 1978, envisioned a senior executive corps with solid executive expertise, public service values, and a broad perspective of government.<sup>1</sup> Members of the SES are federal executives selected for their leadership qualifications, and serve in key positions just below the top presidential appointees.

SES members are a major link between these appointees and the rest of the federal workforce. They operate and oversee nearly every government activity in approximately 75 federal agencies. The Office of Personnel Management (OPM) is responsible for governmentwide management of the SES program and providing guidance to agencies for their development, selection, and management of federal executives.

Federal agencies have broad authority to assign and reassign career SES members to best accomplish the agency's mission. Reassignments can have important benefits for meeting evolving priorities, such as promoting executive development and engagement, and improving agency mission delivery and collaboration.<sup>2</sup> However, these reassignments must adhere to requirements in statute and regulation. For example, there are limits on involuntary reassignments in the 120 days following the appointment of a new agency head or new, noncareer supervisor (e.g., a political appointee).

In 2018, the Office of Inspector General (OIG) at the Department of the Interior (Interior) reported the agency could not demonstrate that it followed certain requirements for managing career SES reassignments.<sup>3</sup> According to the OIG, a majority of reassigned SES members questioned whether the reassignments were political or punitive, based on a prior

---

<sup>1</sup>Civil Service Reform Act of 1978, Pub. L. 95-454, title IV, 92 Stat. 1111, (1978).

<sup>2</sup>Office of Personnel Management, *Executive Order Guidance – Strengthening the Senior Executive Service: Implementing the Executive Rotations Requirement* (Washington, D.C.: Jan. 29, 2016).

<sup>3</sup>Department of the Interior Office of Inspector General, *Reassignment of Senior Executives at the U.S. Department of the Interior*, Report No.: 2017-ER-061 (Washington, D.C.: Apr. 10, 2018).



conflict with Interior leadership or on their nearness to retirement. These findings raised concerns that other agencies may not be following reassignment requirements.

You asked us to provide information on the reassignments of career SES members, the costs associated with reassignments, and the criteria agencies used to determine which career SES members to reassign. This report examines (1) governmentwide trends in career SES reassignments from fiscal years 2007 through 2018; (2) the extent to which and why selected agencies reassigned career SES members within the 120-day moratoriums on involuntary reassignments from fiscal years 2017 through 2019, and the costs of those reassignments; (3) the extent to which selected agencies followed requirements and OPM guidance, and had processes in place for reassigning career SES members within the 120-day moratoriums on involuntary reassignments, and (4) the extent to which OPM monitors career SES reassignments in federal agencies.

To examine governmentwide trends in career SES reassignments from fiscal years 2007 through 2018, we analyzed data from OPM's Enterprise Human Resources Integration (EHRI) system.<sup>4</sup> To assess the reliability of the data, we interviewed OPM officials who are responsible for maintaining EHRI data, conducted independent validation testing for missing data, and used previously conducted data reliability summaries. We determined that the data are sufficiently reliable to present these trends in reassignments, and variations in these trends based on retirement eligibility, gender, and race.

To address our second and third objectives, we reviewed reassignments at four agencies: the Departments of Energy (Energy), Commerce (Commerce), Housing and Urban Development (HUD), and Interior. We selected these agencies, in part, because they were among the top 10 Chief Financial Officers Act (CFO Act) agencies in terms of the percentage of career SES members reassigned in fiscal year 2017.<sup>5</sup> Results from our analysis at these agencies are not generalizable to all

---

<sup>4</sup>EHRI contains personnel action and onboard data for most executive branch federal civilian employees, including members of the SES. Among those agencies excluded from EHRI are intelligence organizations and the U.S. Postal Service. Fiscal year 2018 was the last full year of governmentwide data available in EHRI at the time of this review.

<sup>5</sup>Pub. L. No. 101-576, 104 Stat. 2838 (Nov. 15, 1990). These agencies are listed in subsection (b) of section 901 of title 31 of the United States Code. At the time we completed the selection, 2018 data was not yet available.

federal agencies. We reviewed reassignments the selected agencies made during moratorium periods from fiscal years 2017 through 2019, with the exception of Interior. For Interior, we reviewed reassignments from October 30, 2017, through September 30, 2019, to avoid duplicating work previously performed by its OIG.<sup>6</sup>

To determine the extent to which and why the selected agencies reassigned career SES members within the 120-day moratoriums on involuntary reassignments from fiscal years 2017 through 2019, and the costs of those reassignments, we reviewed personnel records and other agency documents relevant to these reassignments.

To determine the extent to which selected agencies followed requirements and OPM guidance, and had processes in place, for reassigning career SES members within the 120-day moratoriums on involuntary reassignments, we reviewed documents (including agencies' policies, written guidance, and procedures). We also contacted each of the career SES members at the selected agencies who had been relocated as a part of their reassignment to determine if the agency consulted with them on the reasons for the proposed reassignment, and if the consultation included the employee's preferences, as required.

We interviewed agency officials about their practices for reassigning career SES members and the organization, roles, and responsibilities of their Executive Resources Board (ERB) as it pertained to career SES member reassignments.<sup>7</sup> We compared these processes to relevant federal statute and regulation and OPM guidance, as well as standards for internal controls for implementing control activities.<sup>8</sup>

To determine the extent to which OPM monitors career SES reassignments in federal agencies, we reviewed regulations related to career SES reassignments, OPM's SES reassignment guidance to agencies, OPM's authority to provide oversight of federal agency

---

<sup>6</sup>Department of the Interior Office of Inspector General, *Reassignment of Senior Executives at the U.S. Department of the Interior*, Report No.: 2017-ER-061.

<sup>7</sup>Responsibilities of ERBs are found in 5 U.S.C. 3393(b), and 5 C.F.R. § 317.501.

<sup>8</sup>For information about internal controls, see GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). Internal control is a process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved.

---

activities, and interviewed OPM officials. See appendix I for more details on our scope and methodology.

We conducted this performance audit from December 2018 to September 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

## Background

---

### SES Appointment Types

There are four types of SES appointments: career, noncareer, limited term, and limited emergency appointees. The SES mainly consists of career appointees (henceforth referred to as “career SES members”), who are chosen through a merit-based competitive hiring process.<sup>9</sup> Unlike career SES members, noncareer appointees are not subject to the competitive selection process, but an agency must determine that these appointees meet the qualifications of the position.<sup>10</sup>

Noncareer SES members are commonly referred to as “political appointees.” To avoid politicizing the SES, there are limits on the number of SES positions in an agency and governmentwide that can be filled with

---

<sup>9</sup>See 5 U.S.C. § 3132(a)(4). A “career appointee” means “an individual in a SES position whose appointment to the position or previous appointment to another SES position was based on approval by OPM of the executive qualifications of such individual.”

<sup>10</sup>“Noncareer appointee” means an individual in a SES position who is not a career appointee, a limited term appointee, or a limited emergency appointee. 5 U.S.C. § 3132(a)(7). 5 C.F.R. § 317.603.

---

noncareer SES members.<sup>11</sup> OPM reported that as of September 30, 2017, 93 percent of all SES were career members, while 6 percent were noncareer.<sup>12</sup>

---

## Requirements for Reassigning Career SES Members

An SES reassignment is a permanent assignment to another SES position within the employing executive agency or military department.<sup>13</sup> In general, career SES members may be reassigned to any SES position in the same agency for which the employee is qualified.<sup>14</sup> This authority enables the head of an agency to reassign senior executives to best accomplish the agency's mission. At the same time, the SES is to be administered so that it protects senior executives from arbitrary or capricious actions, provides for program continuity and policy advocacy in the management of public programs, and provides for an executive system, which is guided by the public interest and free from improper political interference.<sup>15</sup>

There are also specific requirements in place that agencies must follow when reassigning career SES members. These requirements are specified under section 3395 of title 5, United States Code, and OPM's implementing regulations. Before reassigning an SES member, an agency must meet notification requirements and observe two 120-day moratoriums on involuntary reassignments (see table 1). The intent of

---

<sup>11</sup>In general, a maximum of 10 percent of all SES positions governmentwide may be filled with noncareer appointees, limited to no more than 25 percent in any given agency, see 5 U.S.C. § 3134(b), (d). According to the Senate committee considering S. 2640, the bill which ultimately became the Civil Service Reform Act of 1978, the limit on the percentage of SES positions which may be filled by noncareer executives was an important check against the politicization of the SES. S. Rep. 95-969, at 11 (July 10, 1978). Additionally, agencies are required to designate certain SES positions as career reserved. These are positions which must be filled by career appointees to ensure impartiality, or the public's confidence in the impartiality, of the federal government. 5 U.S.C. § 3132(b); 5 C.F.R. § 214.402.

<sup>12</sup>Office of Personnel Management, *Senior Executive Service Report 2017* (Washington D.C.: April 2018). The remaining 1 percent of SES were limited-term and limited emergency appointees.

<sup>13</sup>5 C.F.R. § 317.901(a).

<sup>14</sup>U.S.C. § 3395(a)(1)(A); 5 C.F.R. § 317.901(b).

<sup>15</sup>See generally 5 U.S.C. § 3131. OPM regulations governing the employment of the SES can be found at part 317 of title 5 of the Code of Federal Regulations.

these moratoriums is to provide a “get acquainted” period to allow the new agency head and noncareer appointees to get to know the career SES members and their skills and expertise, according to OPM.<sup>16</sup>

Further, OPM has stated that the 120-day moratorium is a protection built into the law to prevent making reassignments before the capabilities of the career SES member are known.<sup>17</sup> Related to the moratoriums on involuntary reassignments, a voluntary reassignment during the 120-day period is permitted, but the appointee must agree in writing before the reassignment.<sup>18</sup> OPM’s *Senior Executive Service Desk Guide* provides guidance for implementing the moratorium requirements, and states that “[a career SES member] may voluntarily waive the moratorium, but the waiver must be in writing and must be retained as a temporary record in the Official Personnel Folder.”<sup>19</sup> Henceforth, we describe the agreement in writing to accept a reassignment during a moratorium period as a “written waiver.”

---

<sup>16</sup>Office of Personnel Management, *Guide to the Senior Executive Service* (Washington, D.C.: March 2017).

<sup>17</sup>Office of Personnel Management, *Presidential Transition Guide to Federal Human Resources Management Matters, Election Year 2016* (Washington, D.C.: September 2016).

<sup>18</sup>Special requirements for reassignments within moratorium periods are found at 5 U.S.C. § 3395(e) and 5 C.F.R. § 317.901(c)-(d). Generally applicable reassignment notification requirements can be found at 5 U.S.C. § 3395(a), and OPM implementing regulations at 5 C.F.R. § 317.901(b).

<sup>19</sup>OPM, *OPM Senior Executive Service Desk Guide September 2018* (Washington D.C., Sept. 2018). According to the desk guide, it is a reference tool for senior executives and agency executive resources managers and staff, who have the responsibility of managing and developing their senior executives. The desk guide provides guidance on statutory and regulatory provisions that encompass the Senior Executive Service. The desk guide notes that it is a working draft, is intended for human resources use only, and is not to be posted on the internet. In June 2020, OPM officials told us that this is the most recent version of the desk guide.

**Appendix I: Objectives, Scope, and Methodology**

**Table 1: Career Senior Executive Service (SES) Reassignment Requirements**

Reassignment condition	Requirement
Reassignment made within 120 days after the appointment of a (1) new agency head, or (2) new, noncareer supervisor (i.e., moratorium periods)	<ul style="list-style-type: none"> <li>• Career SES members cannot be reassigned involuntarily during these moratorium periods.<sup>a</sup></li> <li>• The reassignment can be made if the career SES member agrees to the reassignment in a written waiver. By agreeing in writing, the career SES member is voluntarily accepting the reassignment.</li> <li>• Without a written waiver, the agency cannot make the reassignment during the moratorium period, nor may the agency remove the career SES member for refusing to accept a reassignment during the moratorium period.</li> <li>• The agency must retain the written waiver as a temporary record in the SES member's Official Personnel Folder.</li> </ul>
Local reassignments within the employee's commuting area <sup>b</sup>	<ul style="list-style-type: none"> <li>• Written notice of the reassignment must be given to the SES member at least 15 days before the effective date of the reassignment.</li> <li>• The 15-day advanced notice of the reassignment can be waived with the written consent of the affected SES employee. Waiving the notice enables the career SES member to be reassigned prior to the effective date in the notice. If the career SES member does not waive the notice, the reassignment becomes effective per the date in the notice.</li> <li>• The agency must retain the reassignment notification and the signed notice waiver, if applicable, as a temporary record in the SES member's Official Personnel Folder.</li> </ul>
Reassignment outside of the employee's commuting area (relocation) <sup>b</sup>	<ul style="list-style-type: none"> <li>• The agency must consult with the employee on the reasons for the proposed reassignment. The consultation must include the employee's preferences.</li> <li>• Following such consultation, the agency must provide written notice of the reassignment, including the reasons for the reassignment, at least 60 days before the effective date of the reassignment.</li> <li>• The 60-day advanced notice of the reassignment can be waived with the written consent of the affected SES employee. Waiving the notice enables the career SES member to be reassigned prior to the effective date in the notice. If the career SES member does not waive the notice, the reassignment becomes effective per the date in the notice.</li> <li>• The agency must retain the reassignment notification and the signed notice waiver, if applicable, as a temporary record in the SES member's Official Personnel Folder.</li> </ul>

Source: GAO analysis of requirements contained in statute, regulation, and guidance. | GAO-20-559

Note: Special requirements for reassignments within the moratorium periods are found at 5 U.S.C. § 3395(e) and 5 C.F.R. § 317.901(c)-(d). Generally applicable reassignment notification requirements can be found at 5 U.S.C. § 3395(a), and OPM implementing regulations at 5 C.F.R. § 317.901(b). In addition, the *OPM Senior Executive Service Desk Guide* September 2018 provides guidance for implementing 5 C.F.R. 317.901.

<sup>a</sup>There are two exceptions to involuntary reassignments during the moratoriums: (1) reassignments due to unsatisfactory performance, and (2) reassignments as a result of disciplinary actions initiated before the appointment of a new agency head or new, noncareer supervisor.

<sup>b</sup>This requirement applies to career SES reassignments made within and outside of moratorium periods.

The moratorium triggered by the appointment of a new, noncareer supervisor applies only to those career SES members for whom the noncareer supervisor has authority to give an initial performance appraisal. It does not apply where the new, noncareer SES member serves as the higher level supervisor and functions as a reviewing official or final rater but does not give the initial performance appraisal.

Designation of an acting agency head or noncareer supervisor does not trigger a 120-day moratorium. However, an agency may choose to apply the moratorium in such circumstances.<sup>20</sup> In addition, there are two exceptions to the moratoriums: (1) reassignments due to unsatisfactory performance,<sup>21</sup> and (2) reassignments as a result of disciplinary actions initiated before the appointment of a new agency head or new, noncareer supervisor.<sup>22</sup>

Outside the moratorium periods, a career SES member subject to reassignment must accept the reassignment or the agency may remove the career SES member for declining the reassignment.<sup>23</sup> In the event the agency removes a career SES member for declining a reassignment, the career SES member may appeal the removal to the Merit Systems Protection Board.<sup>24</sup> There are no independent appeal rights to the Merit Systems Protection Board for an employee in the SES if an agency fails to follow the requirements under section 3395 of title 5 and implementing regulations (including the requirements related to reassignments during moratorium periods).<sup>25</sup>

---

## Executive Resources Boards

OPM recommends ERBs “have general oversight of the management of the agency’s executive resources and function as an advisor to the

---

<sup>20</sup>If an agency does so and the acting official subsequently receives a permanent appointment to the position, the time spent under the agency-imposed moratorium counts towards the 120-day moratorium triggered by the permanent appointment.

<sup>21</sup>5 U.S.C. §§ 3395(e)(2)(A), 4314(b)(3).

<sup>22</sup>5 U.S.C. § 3395(e)(2)(B).

<sup>23</sup>An agency may remove a senior executive (or suspend for more than 14 days) only for misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment, or to accompany a position in a transfer of function. 5 U.S.C. § 7543(a); 5 C.F.R. § 752.603(a).

<sup>24</sup>5 U.S.C. § 7543(d).

<sup>25</sup>A senior executive may seek assistance from other entities, including their agency Inspector General or the Office of Special Counsel. For example, a career SES member may file a complaint with the Office of Special Counsel if the member alleges the reassignment was a prohibited personnel practice. 5 U.S.C. § 1214. The Office of Special Counsel is an independent federal investigative and prosecutorial agency. Its primary mission is to safeguard the merit system in the federal government by protecting employees and applicants for federal employment from prohibited personnel practices. 5 U.S.C. §§ 1211-1212.

agency head in succession planning, utilization of executive resources, executive development and evaluation of executive personnel programs.”<sup>26</sup>

OPM’s September 2009 guidance explained what ERBs must do to comply with the statute governing ERBs, and includes practices that can “enhance the management of the agency’s executive cadre and organization.”<sup>27</sup> Specifically, as it relates to reassignments and the management of senior executive personnel resources, OPM recommends agencies: (1) establish an ERB charter, (2) document ERB activities, and (3) have a mix of ERB members “to provide continuity, institutional memory, and a balanced perspective.”

OPM recommends that each ERB include a mix of career and noncareer appointees, civilian personnel and commissioned officers, headquarters and field representatives, and an appropriate representation of women and minorities.

---

## Governmentwide Career SES Reassignment Rates Fluctuated from Fiscal Years 2007 through 2018

---

### Reassignments of Career SES Members

Governmentwide, there was a median of 927 career SES reassignments per year (13.1 percent of the population) from fiscal years 2007 through 2018; this includes career SES reassignments made both within and outside of the two 120-day moratorium periods.<sup>28</sup> The percentage of career SES reassignments varied from year to year (see figure 1). It ranged from a high of 17 percent of the total career SES population (1,093 reassignments) in fiscal year 2007 to a low of 10 percent (688

---

<sup>26</sup>OPM’s September 9, 2009 memorandum for Chief Human Capital Officers, “Executive Resources Boards,” found at <https://www.chcoc.gov/content/executive-resources-boards>.

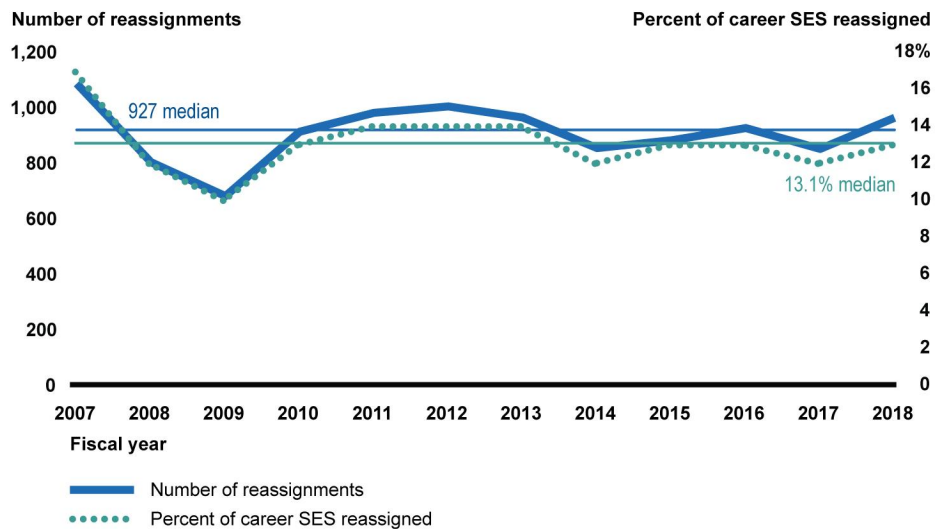
<sup>27</sup>Agencies are to establish one or more ERBs to conduct the merit staffing process for initial SES career appointment. 5 U.S.C. § 3393(b); 5 C.F.R. § 317.501.

<sup>28</sup>The number of career SES members across government increased from 6,539 in 2007 to 7,081 in 2018. Career SES members as a proportion of the total permanent federal workforce was generally stable from fiscal years 2007 through 2018, at around 0.35 percent.



reassignments) in fiscal year 2009. According to OPM officials, the moratorium periods may have contributed to relatively lower reassignment rates during years with presidential transitions (fiscal years 2009 and 2017), when appointments of new agency heads and noncareer supervisors are most likely to occur.

**Figure 1: Reassignments of Career Senior Executive Service (SES) Members Governmentwide, Fiscal Years 2007 through 2018**



Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

Note: This figure includes all reassignments of career SES members made in the fiscal year. The median represents the midpoint number and percentage of reassignments across fiscal years, and is one measure that provides a sense of the typical case. In this report, we use the median for this purpose because an average would be skewed towards clear outliers in reassignment data.

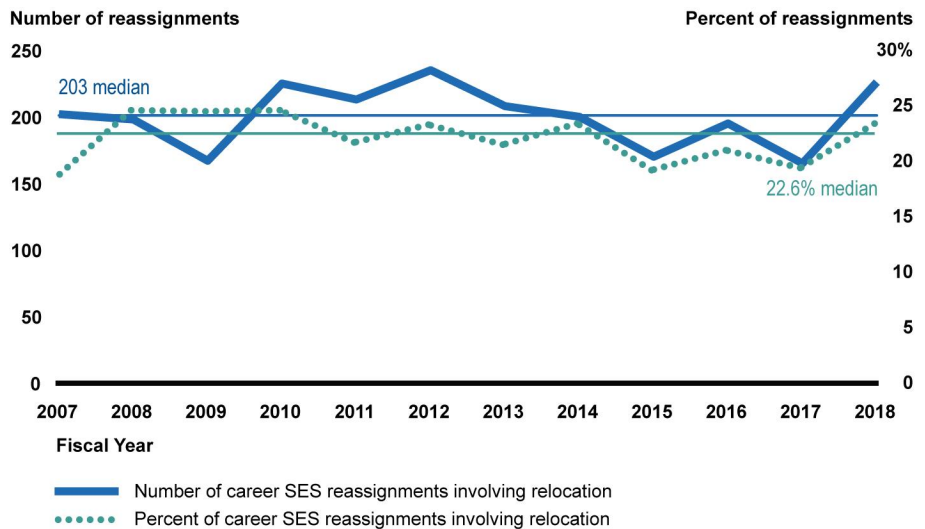
Individual agencies reassigned career SES members at substantially different rates. For example, from fiscal years 2007 through 2018, the Nuclear Regulatory Commission had the highest median annual percentage of reassignments at 25.8 percent, followed by the Departments of Treasury (18.4 percent) and Justice (17.8 percent). Agencies with the lowest median annual percentage of reassignments were the Departments of Labor (4.4 percent), followed by Education (5.3 percent) and Transportation (6.6 percent). For more details of reassignments by federal agency, see appendix II.

### Career SES Reassignments Involving Relocations

Among the governmentwide reassignments, the median number of career SES reassignments involving relocation (i.e., geographic reassignments)

was 203 per year, or a median of 22.6 percent of all career SES reassignments from fiscal years 2007 through 2018. Relocations can involve agencies incurring moving and other related costs that are not common to local reassignments. Trends in governmentwide reassignments involving relocation from fiscal years 2007 through 2018 are shown in figure 2.

**Figure 2: Career Senior Executive Service (SES) Reassignments Involving Relocations, Fiscal Years 2007 through 2018**



Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

Note: This figure includes all reassignments of career SES members that involved relocation made in the fiscal year. The median represents the midpoint number and percentage of reassignments across fiscal years, and is one measure that provides a sense of the typical case. In this report, we use the median for this purpose because an average would be skewed towards clear outliers in reassignment data.

Similar to career SES reassignments generally, individual agencies made reassignments involving relocation at substantially different rates. For example, from fiscal years 2007 through 2018, the Department of Veterans Affairs had the highest median annual percentage of reassignments involving relocation at 39 percent, followed by the Departments of Defense, Interior, and Justice, each at 34 percent

---

respectively. In contrast, for six of the 24 CFO Act agencies, the median percentage of reassignments involving relocation was zero.<sup>29</sup>

---

## Career SES Reassignments by Retirement-Eligibility, Gender and Race

We found that retirement-eligible career SES members were generally reassigned at a lower rate than their representation within the governmentwide career SES workforce. Reassignments by gender and race were at rates proportional to their representation within the governmentwide career SES workforce from fiscal years 2007 through 2018.

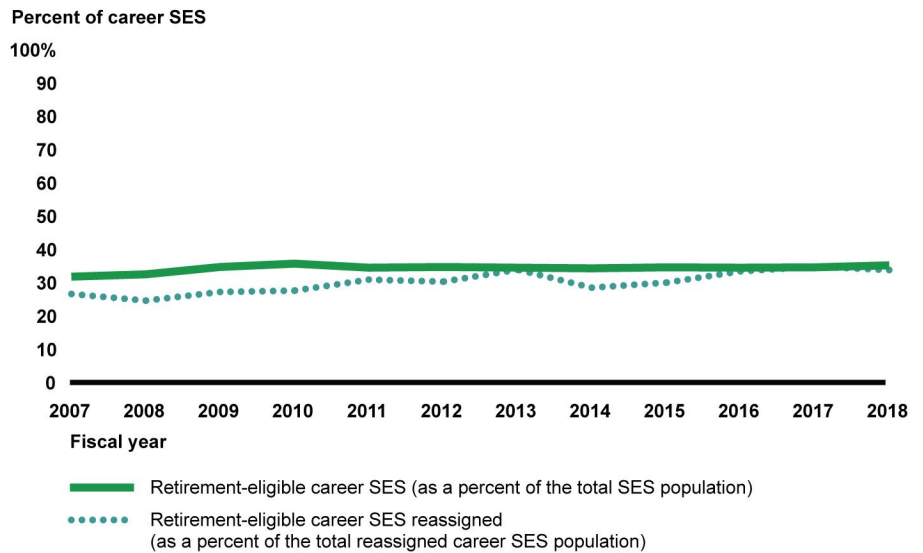
### Retirement-eligibility

Since fiscal year 2007, around 35 percent of the governmentwide career SES workforce has been eligible to retire while around 31 percent, on average, of reassignments involved retirement-eligible career SES members. However, from 2016 to 2018, the reassignment rate of retirement-eligible members of the career SES workforce was consistent with their overall proportion of the SES population (see figure 3).

---

<sup>29</sup>The agencies with a median of zero career SES reassignments involving relocation (fiscal years 2007 through 2018) were the U.S. Agency for International Development, Department of Education, HUD, National Science Foundation, OPM, and Small Business Administration.

**Figure 3: Reassignments of Retirement-Eligible Career Senior Executive Service (SES) Members, Fiscal Years 2007 through 2018**

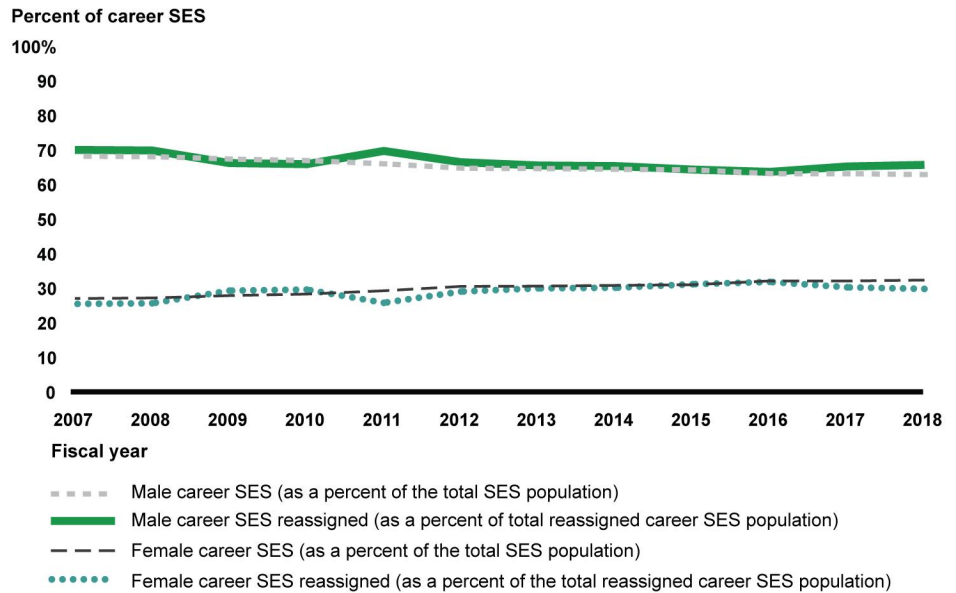


Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

### Gender

We found that female and male career SES members were reassigned at rates proportional to their representation within the governmentwide career SES population from fiscal years 2007 through 2018, as shown in figure 4. Specifically, women, on average, represented around 32 percent of the career SES workforce and 31 percent of reassignments, while men represented the other 68 percent of the workforce and about 69 percent of reassignments.

**Figure 4: Reassignments of Career Senior Executive Service (SES) Members by Gender, Fiscal Years 2007 through 2018**



Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

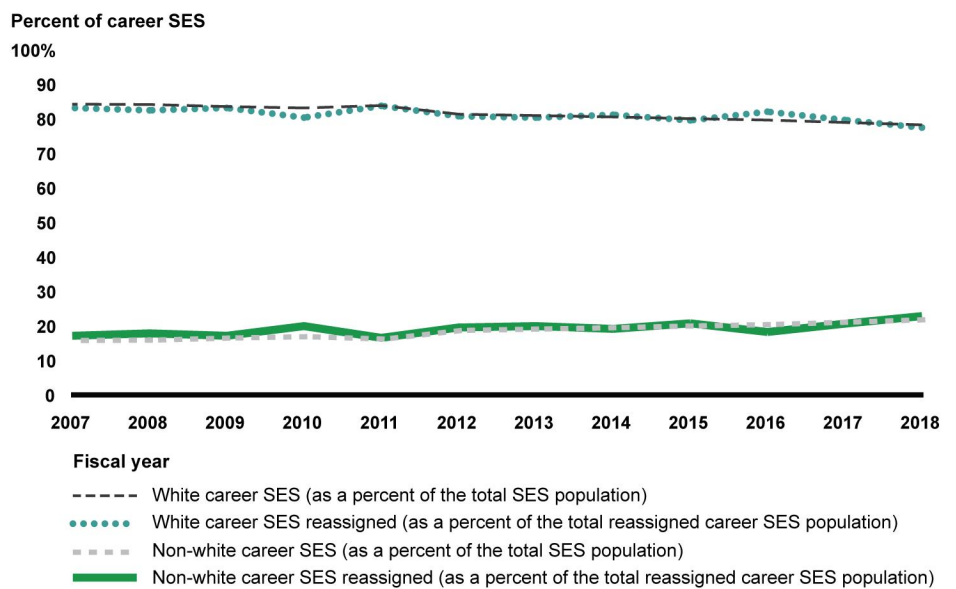
### Race

We found that white and non-white career SES members were reassigned at rates proportional to their representation within the governmentwide career SES population from fiscal years 2007 through 2018, as shown in figure 5. Specifically, white employees made up about 81 percent of the reassignments and 81 percent of the career SES population, on average. Similarly, non-white employees made up about 19 percent of reassignments, and 19 percent of the career SES population, on average. We found similar results when analyzing reassignments among non-white SES members.

- Black or African American employees made up about 10 percent of reassignments and about 10 percent of the career SES workforce, on average.
- Hispanic or Latino employees made up about 5 percent of reassignments, and about 4 percent of the career SES workforce, on average.
- Asian employees made up about 3 percent of reassignments, and about 3 percent of the career SES workforce, on average.

- American Indian or Alaska Native employees made up around 1 percent of the career SES workforce, on average, but we could not calculate the reassignment rate because there were not enough governmentwide reassignments of employees in this group.

**Figure 5: Reassignments of Career Senior Executive Service (SES) Members, by Race, Fiscal Years 2007 through 2018**



Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

## Selected Agencies Reassigned SES Members during Moratoriums to Address Agency Priorities with Varying Frequency and Related Costs

Selected agencies we reviewed—Commerce, Energy, HUD, and Interior—varied in the extent to which they reassigned career SES members in fiscal years 2017 through 2019 during the two moratoriums. For example, Commerce, Energy, and Interior had reassignments during the new agency head moratorium, while HUD did not. Based on interviews with HUD officials and a review of HUD documentation, we found that HUD decided to avoid making any career SES reassignments until the 120-day new agency head moratorium ended in fiscal year 2017.

Table 2 shows the number of reassignments that the selected agencies reported during the two types of moratoriums, from fiscal years 2017 through 2019. For more detail on the individual reassignments during the moratorium periods at the four selected agencies, see appendix III.<sup>30</sup>

**Table 2: Reassignments Made within 120-Day Moratoriums at Selected Agencies, Fiscal Years 2017 through 2019**

Selected agency	New agency head moratorium	New, noncareer supervisor moratorium
Department of Commerce	8	1
Department of Energy	10	6
Department of Housing and Urban Development	0	5
Department of the Interior <sup>a</sup>	10	1
<b>Subtotal</b>	<b>28</b>	<b>13</b>
<b>Total</b>		<b>41</b>

Source: GAO analysis of selected agency documentation. | GAO-20-559

<sup>a</sup>Includes reassignments from October 30, 2017, through September 30, 2019, to avoid duplicating work previously performed by the Office of Inspector General. See Department of the Interior Office of the Inspector General, Reassignment of Senior Executives at the U.S. Department of the Interior, Report No.: 2017-ER-061.

We found that the selected agencies most often initiated SES career reassignments to address priorities specific to the agency. For example:

- For six of the nine reassignments at Commerce, agency documents showed that the agency initiated the reassignments to help the agency meet its mission. In the remaining three cases, career SES members applied for and were selected to fill other vacant SES positions. Commerce used a reassignment action in these cases to designate their moves as a result of their selection.
- At Energy, in 2018 and 2019, all career SES positions were evaluated based on the complexity and scope of work, breadth of responsibility, span of control, and impact to mission accomplishment. We found that, as a result of its review, Energy determined that some SES positions no longer supported an SES designation and were identified to be abolished when the position was vacant following reassignment, including some of those within the scope of our review. Energy also made temporary reassignments to facilitate the presidential transition.

<sup>30</sup>For more information on career SES reassignments that occurred at selected agencies in the 60 days after the 120-day moratorium associated with the appointment of a new agency head, see appendix IV.

- HUD documents showed agency leadership initiated the five reassignments during the new, noncareer supervisor moratorium to address agency-specific policy or program priorities.
- Interior documents showed the department initiated nine of the 11 reassignments to address agency priorities, while the other two were made at the request of career SES members for personal reasons. In one instance, an SES member sought a reassignment to a new SES position ahead of a planned retirement. According to agency documents, this move was beneficial for succession planning purposes, as it allowed the agency to leverage the individual's experience to mentor two new career SES members with their new responsibilities.

We found other similarities in the characteristics of the career SES reassignments the selected agencies made during the moratoriums. For example:

- Reassignments were usually local. Overall, four of the 41 reassignments involved a geographic relocation—two each at Commerce and Interior.
- The selected agencies most often filled a SES position vacated by a reassignment with another career SES member. Of the 28 positions filled following a reassignment at the selected agencies, 25 of them were filled with another career SES member and three were filled by a noncareer SES member. For the 13 remaining reassignments, as of March 31, 2020, nine positions were abolished, three remained vacant, and one position had a change in the scope of responsibilities with the same career SES member remaining in the position.
- No reassignments within our scope were made for unsatisfactory performance or disciplinary reasons.

Selected agencies incurred three general types of financial costs when reassigning career SES members: (1) costs associated with relocation, such as moving expenses, (2) relocation incentives, and (3) pay increases associated with the SES members expanded scope of responsibilities. The agencies varied in the extent to which they offered and incurred these types of costs for reassignments during the moratoriums. For example, according to agency documents, neither Energy nor HUD incurred monetary reassignment costs, while Commerce and Interior did. Specifically:

- Commerce incurred a total of \$119,000 in moving costs for its two relocations. In addition, Commerce provided a 6 percent pay raise for



one relocation and pay raises of 2 percent and 3.7 percent, respectively, for two local reassignments.

- Interior incurred a total of \$37,000 in moving costs for its two relocations as well as a \$50,000 relocation incentive for one of them. Both of the career SES members who were relocated were within 5 years of retirement eligibility at the time of their reassignment and, according to Interior officials, were eligible for last move home benefits when they retire from federal service.<sup>31</sup> Interior also provided an 8 percent pay increase for one of the relocations and a 3 percent pay increase for a local reassignment.

There were other non-monetary effects of the reassignments. Specifically, each of the selected agencies had vacancies in SES members' previous positions following the reassignments; the length of the vacancies varied.

- Most vacancies at Commerce lasted 9 months or longer, though vacancy length ranged from 3 weeks to 2 years. According to agency officials, time and effort spent recruiting senior executives to fill positions left some prior positions unfilled for extended periods of time. In addition, Commerce officials told us some vacancies were not filled expeditiously due to the government shutdown, and there were also cases in which positions were held open due to potential reorganizations of some bureaus. Commerce officials told us that in some instances when the position could not be readily filled, senior non-SES civil service staff (i.e., GS-15) were detailed to temporarily fulfill some of the responsibilities of the position.<sup>32</sup>
- Energy filled most vacancies immediately; the longest vacancy was 5 months.
- At HUD, four of the five vacancies had been filled as of March 31, 2020, although several of them took extended time to fill. Specifically, three of the reassignments resulted in vacancies that lasted 17 months, 22 months, and 30 months, respectively. HUD officials said the vacancies persisted because HUD had more leadership needs

---

<sup>31</sup>Career SES members are eligible for "last move home" benefits if the federal government had previously paid to relocate them under certain conditions. 41 C.F.R. § 302-3.307. Last move home benefits include the costs of transporting and storage of household goods, and transportation of the employee and their immediate family. 41 C.F.R. § 302-3.101.

<sup>32</sup>The General Schedule (GS) classification and pay system covers the majority of civilian white-collar federal employees in professional, technical, administrative, and clerical positions. The General Schedule has 15 grades; GS-1 (lowest) to GS-15 (highest). Agencies establish (classify) the grade of each job based on the level of difficulty, responsibility, and qualifications required.

than SES allocations and agency hiring had slowed down. Agency officials said senior non-SES civil service staff (i.e., GS-15) fulfilled some of the responsibilities of the position while the vacancy continued.

- Interior filled six of 11 vacancies immediately. Two vacancies were filled after 7 and 8 months, respectively, and one position was abolished. The remaining two positions were vacant as of March 31, 2020.

We did not assess the impact of the vacancies in SES-level positions at the selected agencies. However, we recently reported that vacancies in top leadership positions can pose problems for an agency to address major management challenges, which can affect the agency's ability to meet its mission.<sup>33</sup>

---

## Selected Agencies Did Not Always Follow Requirements and OPM Guidance, But Had or Were Developing Processes for Reassigning Career SES during Moratorium Periods

---

### Commerce Has a Process That Helped It Demonstrate How Reassignments Met Its Priorities, but Needs to Better Maintain Required Documentation

We found that Commerce's reassignment process included important features that helped it ensure that reassignment decisions were consistent with requirements for the administration of the SES. For example, under their process, the bureaus or offices seeking to reassign career SES members are to document how the reassignment will help the agency meet its mission and priorities. Commerce's process also includes multiple levels of review and approval that we found useful for showing that the agency fully considered the need for a reassignment and the costs associated with it.

According to Commerce officials, program offices at the individual bureaus generally initiate reassignments of career SES members. The

---

<sup>33</sup>See, for example, GAO, *Department of Homeland Security: Continued Leadership Is Critical to Addressing a Range of Management Challenges*, [GAO-19-544T](#) (Washington, D.C.: May 1, 2019).

program offices are to assemble a reassignment package which is to include

- a rationale for why the reassignment was needed and how it would help the bureau meet its mission;
- a description of the responsibilities and duties the career SES member was expected to fulfill in the new position;
- a description of the qualifications, and certification from the bureau head that the career SES member was qualified for the new position; and
- a justification for any pay increase.

In the next step, the reassignment package is to be reviewed by the relevant Executive Resources Office (ERO). EROs are embedded in Commerce's bureaus and are responsible for processing staffing decisions, including career SES reassignments. Commerce officials told us that the ERO review of the reassignment package is important because the bureaus are best positioned to understand which skills and experiences are needed, particularly in complex mission areas, such as those at the National Oceanic and Atmospheric Administration and the Census Bureau.

If approved, the ERO is to submit the package to Commerce's Office of Executive Resources, which is to check to ensure that required information is included in the reassignment package.<sup>34</sup> The package is then to be reviewed by Commerce's Chief Financial Officer and Assistant Secretary for Administration for final approval.

We found that Commerce did not maintain required documentation related to reassignments made within moratorium periods, as shown in table 3. As a result, Commerce could not demonstrate that it met requirements to (1) notify all career SES members of their reassignment, either 15 or 60 days in advance depending on whether the reassignment was local or involved a relocation, (2) obtain written waivers from SES members being reassigned before the notification period had ended, and (3) obtain written waivers from SES members who were being reassigned during moratorium periods before making the reassignment. When a

---

<sup>34</sup>The Office of Executive Resources provides resources and analytical support to Commerce's Executive Resources Board in establishing the policies and procedures for managing the agency's executive resources on behalf of the Secretary.

**Appendix I: Objectives, Scope, and Methodology**

career SES member waives either the advance notification period, or the reassignment moratorium (when applicable), the agency must retain the written waiver in the SES member's Official Personnel Folder.<sup>35</sup>

**Table 3: Assessment of the Department of Commerce's Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments within Moratorium Periods, Fiscal Years 2017 through 2019**

Assessments of the Department of Commerce	Non-geographic (local) reassignments		Geographic reassignments (relocations)			120-day moratoriums		
	Requirement	15-day notification issued	15-day notification waiver in writing, retained as record	Agency consulted with SES member before reassignment	60-day notification issued	60-day notification waiver in writing, retained as record	New agency head moratorium waiver in writing, retained as record	New noncareer supervisor moratorium waiver in writing retained as record
Documentation assessment	did not demonstrate requirement was met	did not demonstrate requirement was met	fully demonstrated requirement was met	did not demonstrate requirement was met	did not demonstrate requirement was met	did not demonstrate requirement was met	did not demonstrate requirement was met	did not demonstrate requirement was met

Source: GAO analysis of Department of Commerce documentation. | GAO-20-559

<sup>a</sup>For the two geographic reassignments (relocations), we spoke with the SES member and confirmed the agency consulted with them prior to the reassignment, as required. Both of these reassignments were the result of the career SES member applying for and being selected to fill a job announcement. While the moves were initiated by the SES members, Commerce used a reassignment action to designate their moves and thus was required to follow requirements related to reassignments.

Commerce's Office of Executive Resources officials said the agency could not demonstrate it met notification and moratorium waiver requirements because the agency designated responsibility for obtaining and retaining the required documents to its EROs. Following our request for documents, the Office of Executive Resources found that the bureau EROs were not always retaining the documents as required. In response, according to Commerce officials, the agency subsequently took measures to monitor and ensure document retention requirements are met going forward. For example:

- The Director of Commerce's Office of Executive Resources sent an email to the bureau EROs on November 15, 2019, reinstating a requirement that the bureaus submit draft notification letters and draft moratorium waivers to the Office of Executive Resources when seeking approval to make a career SES reassignment during

<sup>35</sup>OPM, *OPM Senior Executive Service Desk Guide September 2018*.

moratorium periods, as well as signed documentation after the bureau executed the reassignment. Commerce officials told us in April 2020 that they were working to include these requirements in their policy manual, but were not sure when that would take place.

- Officials from Commerce’s Office of Accountability reported in May 2020 that they intend to begin including a sample of career SES member reassignments in their audits of internal human capital operations.<sup>36</sup>

These processes, when fully implemented, should help the bureau EROs consistently obtain and retain documents required for career SES reassignments. Documenting these processes in Commerce’s policy manual would also be consistent with federal internal control standards that state control activities should be implemented through policies.<sup>37</sup>

Commerce documents showed its department-level ERB has responsibility for establishing policies and procedures to manage the agency’s executive resources.<sup>38</sup> We found Commerce documented the roles, responsibilities and operations of its ERB, and generally followed OPM recommended practices for ERBs, including having a mix of career and noncareer members. Within Commerce, the bureaus have the authority to propose reassignments, which must be approved by Commerce’s Chief Financial Officer, who is also the Vice Chair of the ERB.

---

## Energy Met Most Reassignment Requirements, and Addressed a Gap in Its Reassignment Process

Energy has a standard reassignment process that includes multiple levels of review and involves its ERB, which is responsible for approving career SES reassignments.<sup>39</sup> According to Energy documents, its program offices seeking to reassign career SES members are to demonstrate how

---

<sup>36</sup>Commerce’s Office of Accountability serves as the agency’s central office for audits and human capital program evaluations.

<sup>37</sup>GAO, *Standards for Internal Control in the Federal Government*. [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

<sup>38</sup>Commerce has a department-level ERB and some bureaus have their own ERBs, while others do not. For the purposes of this report, Commerce’s ERB refers to its department-level ERB.

<sup>39</sup>As discussed previously, each agency is required to establish one or more ERBs to conduct the merit staffing process for career entry into the SES. 5 U.S.C. § 3393(b).

the reassignment will help the agency meet its mission and show they have fully considered other potential impacts. Upon initiating a reassignment action, a program office is to work with Energy's Office of Corporate Executive Management (OCEM) to prepare an ERB decision document that includes

- a rationale for why the particular reassignment of the career SES member is necessary;
- a description of the mission of the office to which the SES member would be reassigned;
- the work experience, resume, and education of the career SES member, along with a statement about why that individual is best qualified for the position;
- a justification for any pay increase associated with the reassignment; and
- in cases where the reassignment would result in a newly established position, information about the position being established, and the effect on Energy's senior executive staffing allocation.

Once the ERB decision document is completed and approved by the initiating office, it is to be submitted to Energy's ERB. If the ERB approves the reassignment, the ERB is to submit the decision document and its recommendation for approval to the Secretary or Deputy Secretary and the Office of General Counsel. The Secretary or Deputy Secretary is to review both documents and the Office of General Counsel is to review the decision document to ensure that no conflicts of interest exist.

Once the reassignment request is reviewed and approved, the initiating office is to notify the career SES member of their reassignment. As a result, we found that Energy's reassignment process provided reasonable assurance that reassignments were consistent with certain requirements for the administration of the SES, such as protecting senior executives from arbitrary or capricious actions.

We found Energy followed notification requirements for reassignments within the two moratorium periods. For all 16 local reassignments at Energy, the agency had documentation that the career SES member waived the 15-day notice period. In addition, we found Energy met requirements for obtaining and retaining written waivers when making reassignments during the new agency head moratorium. However, for two of the six reassignments made during the new, noncareer supervisor moratorium, Energy could not demonstrate that the career SES members

had agreed to the reassignments through a written waiver, as shown in table 4.

**Table 4: Assessment of the Department of Energy’s Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments within Moratorium Periods, Fiscal Years 2017 through 2019**

Assessment of the Department of Energy	Non-geographic (local) reassignments		120-day moratoriums		
	Requirement	15-day notification issued	15-day notification waiver in writing, retained as record	New agency head moratorium waiver in writing, retained as record	New noncareer supervisor moratorium waiver in writing retained as record
Documentation assessment	fully demonstrated requirement was met	fully demonstrated requirement was met	fully demonstrated requirement was met	partially demonstrated requirement was met	

Source: GAO analysis of Department of Energy documentation. | GAO-20-559

Career SES members are not to be reassigned involuntarily during a new, noncareer supervisor moratorium; the reassignment can only be made if the SES member agrees to the reassignment in writing. The agency must retain moratorium waivers as a temporary record in the SES member’s Official Personnel Folder. In these two cases, OCEM officials told us they did not have the waivers because the reassignments were urgently needed and, because they needed to make the reassignments quickly, they did not check if the new, noncareer supervisor moratorium was in effect.

Although OCEM officials told us they were certain that the two career SES members voluntarily accepted the reassignment, they said they made internal adjustments to their process to ensure they always meet the written waiver requirement going forward. For example, according OCEM officials and documentation, in May 2020 they took the following steps:

- OCEM began notifying its staff responsible for administering career SES personnel actions when a noncareer or political official is appointed or reassigned. This notification is intended to help its staff understand when a new, noncareer supervisor moratorium will begin;
- OCEM staff review moratorium requirements every other month during staff meetings; and
- An OCEM supervisor reviews reassignment notices and moratorium waivers to ensure accuracy and address any omissions.

We believe OCEM’s actions in response to our finding during the course of this review, combined with other steps in its career SES reassignment

process, provides reasonable assurance that Energy will meet waiver requirements in the future.

As noted above, Energy involves its ERB in SES reassignment decisions and we found that Energy follows ERB practices recommended by OPM.<sup>40</sup> For example, Energy officials told us they use their ERB as a senior leadership advisory board for the Deputy Secretary on all matters involving executive resources. Additionally, they told us they use their ERB to obtain diverse input from within the agency to shape agency policies.

Although the ERB does not record minutes, our review of Energy documents found that reassignment actions were included in ERB agendas. Energy's ERB membership is a mix of career and noncareer members, as directed in its ERB charter, and also includes a mix of headquarters and field staff. The Chief Human Capital Officer functions as the Chair of the ERB and the remaining eight ERB voting members are SES members from the different offices across the agency.<sup>41</sup>

---

## HUD Could Not Demonstrate Reassignments during Moratorium Periods Were Voluntary, but Is Developing Processes that Could Help Ensure It Meets Requirements

HUD officials told us the department has an informal process for making SES reassignments during moratorium periods. The officials said the office originating the reassignment is to have a conversation with the SES member about the reassignment. After the conversation, the originating office is to contact HUD's Office of Executive Resources to issue a reassignment notification to the career SES member, as required. HUD officials told us they found this informal process to be sufficient given that the agency typically has a small number of reassignments.

We found that HUD met notification requirements for the five reassignments made during the new, noncareer supervisor moratorium. HUD also retained waivers of the 15-day notice period when applicable.

---

<sup>40</sup>OPM memorandum for chief human capital officers, "Executive Resources Boards," found at <https://www.chcoc.gov/content/executive-resources-boards>.

<sup>41</sup>The eight voting members are comprised of two each SES members from the offices of the Under Secretary for Science, Energy, and Nuclear Security, one SES member from within the Power Marketing Administrations, and one SES member from offices not reporting to an Under Secretary.



However, HUD did not obtain the required written waivers of the moratorium from SES members, as shown in table 5.

**Table 5: Assessment of the Department of Housing and Urban Development’s (HUD) Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments within Moratorium Periods, Fiscal Years 2017 through 2019**

Assessment of the Department of Housing and Urban Development (HUD)	Non-geographic (local) reassignments		120-day moratoriums		
	Requirement	15-day notification issued	15-day notification waiver in writing, retained as record	New agency head moratorium waiver in writing, retained as record	New noncareer supervisor moratorium waiver in writing retained as record
Documentation assessment	fully demonstrated requirement was met	fully demonstrated requirement was met	n/a <sup>a</sup>	did not demonstrate requirement was met	did not demonstrate requirement was met

Legend:

n/a - not applicable

Source: GAO analysis of Department of HUD documentation. | GAO-20-559

<sup>a</sup>HUD did not make any reassignments within the 120 days following the appointment of a new agency head.

Initially, HUD officials did not know if the agency had reassignments during the new, noncareer supervisor moratorium, but agreed to review the relevant noncareer supervisor appointment dates for all of their reassignments to find out. As a result of that review, HUD discovered that it made five reassignments during new, noncareer supervisor moratorium periods in fiscal years 2017 through 2019. When we asked HUD officials if they informed the career SES members that a moratorium was in effect, and obtained written waivers from them before making the reassignment, HUD officials told us they did not.

HUD officials told us they did not think a waiver was needed because the career SES members verbally agreed to accept the reassignment, received 15-day notices of the reassignment, and signed waivers of the 15-day notice when applicable.<sup>42</sup> Therefore, they considered the reassignments to be voluntary, and believed that signed and written waivers of the moratorium were not needed. However, the 15-day notice for a reassignment must occur regardless of whether there is a

<sup>42</sup>Four of the five reassigned SES members signed a waiver of the 15-day notice.

moratorium in place. Moreover, according to OPM, waiving the 15-day or 60-day notice does not constitute a waiver of the moratorium.

Additionally, it is unlikely that any of the SES members learned of the moratorium during consultations they had about their reassignments, since HUD officials stated they were not aware that the new, noncareer supervisor moratorium period was in effect at the time. It is critical that a career SES member be informed that a moratorium is in place when notified of a reassignment action, otherwise a member could conclude that declining the reassignment could lead to their removal. Acceptance of a reassignment without such notification cannot be presumed to be voluntary.

In March 2019, HUD revisited the responsibilities of its ERB as part of the SES reassignment process. Our review found that, under the revised reassignment process, the General Deputy Assistant Secretary for the office originating the reassignment, HUD's ERB, Chief Human Capital Officer, Principal Deputy Assistant Secretary for Administration, and Deputy Secretary all must review and approve a reassignment before the career SES member is notified. HUD's Office of Executive Resources officials told us they are to assist in the preparation of the reassignment package that approving officials can use to inform their reassignment decision.

In November 2019, HUD's Office of Executive Resource officials told us the agency had begun following its revised standard operating procedures for recent reassignments. We reviewed a sample package for a reassignment the agency made in October 2019 (which was outside the scope of this review) and found the package had key information that could help HUD make reassignments consistent with requirements for the administration of the SES, including

- major duties and responsibilities of the new SES position;
- the scope of the program to which the career SES member will be reassigned, and its effect on HUD's ability to meet its strategic plan's objectives;
- the career SES member's supervisory and managerial authorities in the new SES position;
- a description of the circumstances giving rise to the reassignment need, such as a legislative mandate or presidential directive;
- the source of funding or other resources to support the position;

- a description of how the position matches with the program office's workforce plan; and
- a justification for an increase (or no increase) in the career SES member's salary related to the new duties after reassignment.

Our review of the draft standard operating procedures provided in November 2019 found they did not address how HUD would ensure that the agency meets requirements for career SES reassignments made during moratoriums. In April 2020, we asked HUD officials if they intended to include steps to ensure that they met the requirement to obtain waivers for reassignments during moratoriums, including the new, noncareer supervisor moratorium.

In May 2020, HUD sent us updated draft standard operating procedures and sample 15- and 60-day reassignment notification letters. The draft standard operating procedures restated regulations, and related OPM guidance that a career SES member may voluntarily waive the moratorium, and that the waiver must be in writing and retained as a temporary record in the Official Personnel Folder. HUD also sent sample documents that showed the agency was developing moratorium waivers that were distinct from their 15- and 60-day reassignment notices, and were intended to address written waiver requirements for career SES reassignments during moratorium periods. As of May 2020, the standard operating procedures and new moratorium waivers were in draft form, and HUD had not yet specified when it planned to finalize the procedures.

Finalizing procedures that include processes for informing SES members about moratorium periods and obtaining written waivers for any reassignments during such moratorium periods is necessary to help HUD ensure that it is meeting related requirements. It would also be consistent with federal internal control standards that state control activities should be implemented through policies.<sup>43</sup>

In May 2020, HUD began including its ERB in its SES reassignment decisions. Specifically, the ERB is to make a recommendation to senior leadership about whether the reassignment is justified and should be approved. HUD officials told us this revised role of the ERB incorporates reassignment practices that other federal agencies have employed, which they learned about as a part of a multi-agency community of practice on executive resources led by Commerce. HUD's ERB has a charter and

---

<sup>43</sup>GAO, *Standards for Internal Control in the Federal Government*. [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

mixed membership of career and noncareer members, which is consistent with OPM's recommended practices for ERBs. HUD officials told us the ERB members were selected to provide a range of program, budget, and workforce perspectives from across the agency.

---

### Interior Has Revised Its Career SES Reassignment Process, but Gap Exists in Meeting Reassignment Requirement

Interior has made significant changes to its career SES reassignment process since April 2018 when the department's OIG could not determine if Interior complied with SES reassignment requirements.<sup>44</sup> According to Interior officials, the agency now develops a "reassignment business case" for any career SES reassignments based on the priorities of the agency, bureau-specific circumstances, the skill sets and professional expertise each employee is expected to bring to their new position, and the costs associated with the position change.

March 2019 guidance from Interior's Chief Human Capital Office lists documentation agency officials is to develop and submit prior to proposing a reassignment of a career SES member. The documentation includes

- evidence that the potential reassignment was discussed with the affected SES member;
- the business case to support the reassignment, including a summary of the SES member's experience and skill set;
- an explanation of how the SES member's experience and skill set relates to the requirements of the position, and the experience and skills the SES member is expected to bring to the position;
- what the reassignment will provide the SES member in terms of experience/growth;
- the length of time that the member has been in their current SES position, and how long the member has been in the SES;
- consideration of the potential cost of the reassignment including the impact on bureau budgets;

---

<sup>44</sup>For more information, see: Department of the Interior Office of the Inspector General, *Reassignment of Senior Executives at the U.S. Department of the Interior*, Report No.: 2017-ER-061.

- justification to support any pay increases if a pay increase is being requested, and indication that the bureau has planned for the cost of the move if the reassignment involves a geographic move; and
- if the senior executive is moving from one bureau to another, documentation that both bureaus agree to the request.

Our review of agency documentation and interviews with Interior officials found that the agency generally followed this revised guidance.

Under Interior's revised reassignment process, once the bureaus have developed the required information, the initiating bureau is to submit the proposed reassignment package to Interior's Executive Resources Division, which checks that the reassignment package is complete. The Executive Resources Division is to send the package to Interior's Solicitors Office for a legal compliance check and the Budget Office for budget and organizational impact analysis. If approved by these offices, the reassignment package is to be submitted to the ERB. Bureau leadership is to be invited to make a presentation at an ERB meeting as to why the ERB should approve the proposed reassignment. The ERB is then to make a final determination to approve or disapprove the reassignment.

We found that Interior's revised SES reassignment process resulted in information that could be used to make reassignment decisions consistent with requirements for the administration of the SES, as highlighted earlier. In addition, as recommended in OPM's guidance on ERBs, Interior's ERB has general oversight of the agency's executive resources and has established a charter. To address a recommendation from Interior's OIG about the ERB, Interior added two noncareer members to its ERB.<sup>45</sup> As of May 2020, of the eight senior officials on Interior's ERB, six are noncareer officials while two are career officials. As stated above, an ERB that has a mix of career and noncareer members helps ensure continuity, institutional memory, and a balanced perspective, according to OPM's guidance.

---

<sup>45</sup>Interior's OIG recommended that Interior implement the guidance outlined in the OPM's September 9, 2009, memorandum for establishing an ERB, to include developing a formal charter detailing the roles and responsibilities of all members; including a mix of political, nonpolitical, career, and noncareer members; and requiring appropriate documentation. For more information, see: Department of the Interior Office of Inspector General, *Reassignment of Senior Executives at the U.S. Department of the Interior*, Report No.: 2017-ER-061.

Interior had 11 reassignments during moratorium periods we reviewed, as discussed previously. For the nine local reassignments, we found that Interior issued 15-day notices as required, and obtained waivers of the 15-day notice as applicable. Similarly, for the two reassignments that involved a relocation, we found that Interior consulted with the career SES member prior to initiating the relocation, provided the required 60-day notification, and retained 60-day notice waivers as applicable.

Additionally, we found that Interior obtained signed moratorium waivers for the reassignments made during the new agency head moratorium. However, Interior could not provide us with a written waiver for the reassignment made during the new, noncareer supervisor moratorium (see table 6). An agency is not to make a reassignment during the new, noncareer supervisor moratorium without a written waiver.

**Table 6: Assessment of the Department of the Interior’s Documentation of Compliance with Requirements Related to Career Senior Executive Service (SES) Reassignments, October 30, 2017 through September 30, 2019**

Assessment of the Department of the Interior	Non-geographic (local) reassignments		Geographic reassignments (relocations)			120-day moratoriums		
	Requirement	Documentation assessment	Requirement	Documentation assessment	Requirement	Documentation assessment	Requirement	Documentation assessment
Requirement	15-day notification issued	15-day notification issued	15-day notification waiver in writing, retained as record	Agency consulted with SES member before reassignment	60-day notification issued	60-day notification waiver in writing, retained as record	New agency head moratorium waiver in writing, retained as record	New noncareer supervisor moratorium waiver in writing, retained as record
Documentation assessment	fully demonstrated requirement was met	fully demonstrated requirement was met	fully demonstrated requirement was met	fully demonstrated requirement was met	fully demonstrated requirement was met	fully demonstrated requirement was met	fully demonstrated requirement was met	did not demonstrate requirement was met

Source: GAO analysis of Department of the Interior documentation. | GAO-20-559

Executive Resources Division officials at Interior initially told us in January 2020 that the agency did not have reassignments during the new, noncareer supervisor moratorium. According to the officials, the agency’s process was to first have a conversation with the career SES member, and delay proceeding with the reassignment until the after the moratorium period was over, unless the career SES member expressed a desire to be reassigned during the moratorium.

However, we found that Interior did not have documentation to show this was their process, or that they followed it routinely. Therefore, we requested that Interior provide information that could help us

independently verify that no reassignments within the new, noncareer supervisor moratorium period took place. Specifically, for each reassignment Interior made from October 30, 2017 through September 30, 2019, we requested (1) the type of supervisor (i.e., career or noncareer), (2) the supervisor's appointment date to the agency, and (3) the effective date of that reassignment. In May 2020, Interior provided that data, which showed that Interior made one reassignment during the new, noncareer supervisor moratorium.

Officials from Interior's Executive Resources Division told us that they could not find a written waiver associated with this reassignment. The officials told us they were unsure why the agency did not follow the requirement in this case. They stated that the reassignment occurred before the updated reassignment process was implemented in April 2018, and that controls in the process would help ensure they meet reassignment requirements going forward. However, we found that the updated process was silent on how the agency would ensure it met the requirement for reassignments during the new, noncareer supervisor moratorium, and therefore it is not clear how the updated process will help Interior meet the related requirement.

---

## OPM Has Developed Guidance and Tools That Can Help Agencies Meet Requirements for Career SES Reassignments, but Does Not Monitor or Provide Oversight of Their Compliance

OPM is responsible for executing, administering, and enforcing the civil service rules and regulations and the laws governing the civil service.<sup>46</sup> Although OPM may delegate personnel management functions to agencies, OPM is responsible for providing oversight to ensure compliance with the civil service laws, rules, and regulations.<sup>47</sup> Further, OPM "manages the overall Federal executive personnel program,

---

<sup>46</sup> U.S.C. § 1103(a)(5).

<sup>47</sup> U.S.C. § 1104(b)(3).

providing the day-to-day oversight and assistance to agencies as they develop, select, and manage their Federal executives.”<sup>48</sup>

In that role, OPM has promulgated regulations and developed guidance and tools that agencies can use to help ensure that they meet requirements related to the reassignment of career SES members. For example, OPM has issued guidance to federal agencies providing the legal requirements for making SES reassignments, as well as information about how agencies should implement those requirements.

In particular, each of the four selected agencies we reviewed told us they used the OPM Senior Executive Service Desk Guide when making career SES member reassignments.<sup>49</sup> OPM also maintains the Executive and Schedule C System, which tracks the appointment dates of noncareer senior executives. OPM officials told us that federal agencies can use this system to track the appointment date of the agency heads and noncareer supervisors to determine if reassignments are subject to moratoriums.

While OPM receives information about the number and frequency of SES reassignments at each agency, we found that OPM did not use its oversight authority to monitor agency reassignment activity to ensure agencies met requirements for making SES reassignments.<sup>50</sup> According to OPM officials, it is the responsibility of agencies to ensure they are compliant with legal requirements related to reassignments. However, OPM is responsible for ensuring agencies’ compliance with civil service laws, rules, and regulations and has authority to require an agency to take corrective action in a situation where OPM finds the agency has

---

<sup>48</sup>Office of Personnel Management, *Senior Executive Service: Leading America’s Workforce*, accessed June 20, 2020, <https://www.opm.gov/policy-data-oversight/senior-executive-service>.

<sup>49</sup>OPM, *OPM Senior Executive Service Desk Guide September 2018*.

<sup>50</sup>A 2015 executive order that was in effect throughout the course of our review, “Strengthening the SES,” established an annual governmentwide goal to have 15 percent of all SES members rotate into different SES positions for at least 120 days, including reassignments. In accordance with the order, OPM requires agencies to collect data about the number of SES rotations from agencies, which includes SES reassignments. According to OPM officials, they use the information they receive to show agencies the benefits of providing the SES workforce with developmental opportunities. See *Executive Order 13714, Strengthening the Senior Executive Service*, 80 Fed. Reg. 79225 (December 15, 2015).



taken a SES staffing action, such as a reassignment, contrary to law or regulation.<sup>51</sup>

OPM officials stated that OPM has not previously used its authority to require agencies to take corrective action on any SES reassignments. Any corrective actions that OPM might require of agencies would depend on the facts of the situation, according to OPM officials. Without monitoring agencies' compliance with SES reassignment requirements, however, OPM cannot be assured SES programs are being administered in accordance with the requirements.

---

## Conclusions

The SES was designed, in part, to enable the head of an agency to reassign career SES members to best accomplish the agency's mission. At the same time, it is important for agencies to follow legal requirements, and OPM guidance, intended to protect career SES members from arbitrary or capricious actions and other requirements for the administration of the SES.

While the selected agencies in our review—Commerce, Energy, HUD, and Interior—had or were making improvements to their reassignment processes, they could not demonstrate that they had fully met all requirements when making reassignments. In particular, several of the agencies struggled to consistently follow requirements when making reassignments during the new, noncareer supervisor moratorium.

Causes for this included a lack of understanding of the requirements, failure to determine the noncareer supervisor's appointment date, and insufficient record retention processes. As a result, agencies could not always demonstrate that career SES members were voluntarily reassigned during this moratorium period, as required. However, Energy took steps during the course of this review to help ensure that they will meet this requirement in the future.

OPM has authority to require an agency to take a corrective action in a situation where OPM finds the agency has taken an SES staffing action, such as a reassignment, contrary to law or regulation. However, to date, OPM has not monitored or provided oversight of career SES

---

<sup>51</sup>Staffing actions include reassignment, transfer, detail, and change in type of SES appointment. 5 C.F.R. § 317.1001.

reassignments. As a result, OPM is likely missing opportunities to prevent or address reassignments made contrary to requirements, which were designed to protect career SES members from arbitrary and capricious actions.

---

## Recommendations for Executive Action

We are making four recommendations, one each to Commerce, HUD, Interior, and OPM.

The Secretary of Commerce, in consultation with the department-level Executive Resources Board and Office of Executive Resources, should fully implement policy and guidance in development that require the bureaus to maintain career SES reassignment-related documentation in the SES member's Official Personnel Folder, and to provide those documents to the Office of Executive Resources for review and approval before making career SES reassignments. (Recommendation 1)

The Secretary of Housing and Urban Development should establish a date to finalize its draft standard operating procedures for conducting career SES reassignments, and ensure that the final procedures include (1) obtaining a written moratorium waiver from the career SES member before making the reassignment during the new, noncareer supervisor moratorium, and (2) retaining the waiver in the member's Official Personnel Folder. (Recommendation 2)

The Secretary of the Interior should update its career SES reassignment process to document agency processes for making reassignments during the new, noncareer supervisor moratorium period and ensure that those processes are in accordance with the requirement related to waivers of the moratorium period. (Recommendation 3)

The Acting Director of the Office of Personnel Management should use OPM's oversight authority to monitor career SES reassignments to ensure that federal agencies meet requirements contained in statute or regulation, and follow OPM's related guidance. In situations where OPM finds that an agency has taken a career SES reassignment action contrary to these requirements, it should use its authority to require the agency to take corrective action, as appropriate. (Recommendation 4)

---

## Agency Comments and Our Evaluation

We provided a draft of this report to Commerce, Energy, HUD, Interior, and OPM.

Commerce provided written comments, which are reproduced in appendix V, and technical comments, which we incorporated as appropriate. In its written comments, Commerce concurred with our recommendation, and noted its appreciation of our support of its planned actions to improve its process.

Energy responded that it had no comments.

HUD provided written comments, which are reproduced in appendix VI. In its comments, HUD said it finalized standard operating procedures for making career SES reassignments, and thus believes it has addressed our recommendation. We will follow up with the department to assess whether its actions fully address the recommendation.

Interior provided written comments, which are reproduced in appendix VII. In its written comments, Interior concurred with our recommendation, and indicated that the agency had already implemented the recommendation. Specifically, Interior stated that it had updated its standard operating procedures to include career SES reassignments, during the new, noncareer supervisor moratorium. We will review Interior's actions to determine if they fully address the recommendation.

OPM provided written comments, which are reproduced in appendix VIII, and technical comments, which we incorporated as appropriate. In its written comments, OPM did not concur with our recommendation. OPM said it relies on federal agencies to comply with provisions governing SES reassignments. OPM further stated that it has chosen not to make reassignments a focus of its enforcement efforts, in light of scarce resources and other mandates OPM is required to meet.

While we acknowledge that federal agencies are primarily responsible for complying with SES requirements, OPM is responsible for governmentwide management of the SES program. Therefore, we maintain that OPM should use its oversight authority to ensure agencies' reassignments of SES staff are consistent with requirements. OPM also acknowledged that it has the authority to enforce statutes governing the civil service, and can require agencies to take corrective actions should it become aware of a violation.

As stated in our report, we identified issues with career SES reassignments in each of the four agencies included in our review. For example, none of the four selected agencies consistently informed career SES members when a new, noncareer supervisor moratorium was in effect prior to reassigning them, a necessary step in ensuring any reassignment during the moratorium is voluntary. In response to our review, each of the four agencies made or were making changes to their career SES reassignment processes to help ensure that they meet these requirements in the future. Unless OPM uses its oversight authority to monitor career SES reassignments, it will not know whether other federal agencies are meeting requirements, or whether corrective actions are necessary.

We are sending copies of this report to the appropriate congressional committees, the Secretaries of Commerce, Energy, Housing and Urban Development, and the Interior; the Acting Director of the Office of Personnel Management; and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-6806 or [RosenbergM@gao.gov](mailto:RosenbergM@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IX.

A handwritten signature in black ink that reads "Michelle B. Rosenberg". The signature is written in a cursive, flowing style.

Michelle B. Rosenberg  
Acting Director, Strategic Issues

*List of Requesters*

The Honorable Joe Manchin III  
Ranking Member  
Committee on Energy and Natural Resources  
United States Senate

The Honorable Thomas R. Carper  
Ranking Member  
Committee on Environment and Public Works  
United States Senate

The Honorable Gary C. Peters  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Tom Udall  
Vice Chairman  
Committee on Indian Affairs  
United States Senate

The Honorable Kyrsten Sinema  
Ranking Member  
Subcommittee on Regulatory Affairs and Federal Management  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Frank Pallone Jr.  
Chairman  
Committee on Energy and Commerce  
House of Representatives

The Honorable Raúl M. Grijalva  
Chairman  
Committee on Natural Resources  
House of Representatives

---

**Appendix I: Objectives, Scope, and  
Methodology**

---

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
House of Representatives

The Honorable Maria Cantwell  
United States Senate

# Appendix I: Objectives, Scope, and Methodology

This report examines (1) governmentwide trends in career Senior Executive Service (SES) reassignments from fiscal years 2007 through 2018; (2) the extent to which and why selected agencies reassigned career SES members within the 120-day moratoriums on involuntary reassignments from fiscal years 2017 through 2019, and the costs of those reassignments; (3) the extent to which selected agencies followed requirements and Office of Personnel Management (OPM) guidance, and had processes in place for reassigning career SES members within the 120-day moratoriums on involuntary reassignments, and (4) the extent to which OPM monitors career SES reassignments in federal agencies.

To examine governmentwide trends in career SES reassignments from fiscal years 2007 through 2018, we analyzed data from OPM's Enterprise Human Resources Integration (EHRI) system.<sup>1</sup> We analyzed EHRI data for variations in governmentwide reassignment activity associated with a career SES member's retirement-eligibility, gender, and race. We also sought to determine if disability status was related to the rate of reassignment, but it was not possible to draw meaningful conclusions due to the small number of reassignments of career SES members with a disability. To assess the reliability of the data, we interviewed OPM officials who are responsible for maintaining EHRI data, conducted independent validation testing for missing data, and used previously conducted data reliability summaries. We selected fiscal years 2007 through 2018 because this time period allowed us to illustrate patterns in career SES reassignments and fiscal year 2018 was the last full year of governmentwide data available in EHRI at the time of this review. We determined that the data are sufficiently reliable for the purposes of this report.

To address our second and third objectives, we selected four agencies for review: the Departments of Energy (Energy), Commerce (Commerce), Housing and Urban Development (HUD), and the Interior (Interior). To

---

<sup>1</sup>EHRI contains personnel action and onboard data for most executive branch federal civilian employees, including members of the SES. Among those agencies excluded from EHRI are intelligence organizations and the U.S. Postal Service.

select these agencies, we first used fiscal year 2017 EHRI data to identify the total number of career SES member reassignments at the 24 Chief Financial Officers Act (CFO Act) federal agencies.<sup>2</sup> Fiscal year 2017 data was the most recent EHRI data available at the time we selected agencies. We excluded agencies that (1) were not among the top 10 CFO Act agencies in terms of the percentage of career SES members reassigned in fiscal year 2017, and (2) had 10 or fewer total reassignments in fiscal year 2017. We then excluded some of the remaining agencies based on other factors, such as agencies where we had planned, ongoing, or recently completed engagements. Results from our analysis at these agencies are not generalizable to all federal agencies.

For both objectives two and three, we reviewed reassignments the selected agencies made during moratorium periods from fiscal years 2017 (beginning with the appointment of a new agency head at the selected agencies in 2017) through 2019 (i.e., September 30, 2019), with the exception of Interior. For Interior, we reviewed reassignments from October 30, 2017 through September 30, 2019 to avoid duplicating work previously performed by its OIG.<sup>3</sup> Reviewing these reassignments allowed us to examine how the selected agencies followed general requirements for the administration of the SES related to reassignments, as well as requirements specific to reassignments during moratoriums.

To determine the extent to which and why the selected agencies reassigned career SES members within the 120-day moratoriums on involuntary reassignments from fiscal years 2017 through 2019, and the costs of those reassignments, we reviewed documents from reassigned career SES members' personnel records, as well as other agency documents relevant to these reassignments.

To determine the extent to which selected agencies followed requirements and OPM guidance, and had processes in place, for reassigning career SES members within the 120-day moratoriums on involuntary reassignments, we compared the selected agencies' processes (including their policies, written guidance, practices and

---

<sup>2</sup>Pub. L. No. 101-576, 104 Stat. 2838 (Nov. 15, 1990). These agencies are listed in subsection (b) of section 901 of title 31 of the United States Code. At the time we completed the selection, 2018 data was not yet available.

<sup>3</sup>Department of the Interior Office of the Inspector General, *Reassignment of Senior Executives at the U.S. Department of the Interior*, Report No.: 2017-ER-061.



procedures) related to their career SES reassignments to relevant federal statute, regulation, and OPM guidance, as well as standards for internal controls for implementing control activities.<sup>4</sup> We contacted each of the career SES members at the selected agencies who had been relocated as a part of their reassignment during a moratorium to determine if the agency consulted with them about the purpose of, and their preferences for, their reassignment, as required. We interviewed agency officials at the four selected agencies about their processes for reassigning career SES members. We also reviewed documents and interviewed agency officials about the organization, roles, and responsibilities of their Executive Resources Board (ERB) as it pertained to career SES member reassignments.<sup>5</sup> OPM recommends ERBs “have general oversight of the management of the agency’s executive resources and function as an advisor to the agency head in succession planning, utilization of executive resources, executive development and evaluation of executive personnel programs.”<sup>6</sup>

To determine the extent to which OPM monitors career SES reassignments in federal agencies, we reviewed regulations related to career SES reassignments, OPM’s SES reassignment guidance to agencies, OPM’s authority to provide oversight of federal agency activities, and interviewed OPM officials.

We conducted this performance audit from December 2018 to September 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

<sup>4</sup>See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). Internal control is a process effected by an entity’s oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved.

<sup>5</sup>Responsibilities of ERBs are found in 5 U.S.C. 3393(b), and 5 C.F.R. § 317.501. According to OPM, ERBs typically provide advice and recommendations for consideration by the agency head relating to the management of executive human resources, including executive personnel policy, utilization, and development.

<sup>6</sup>OPM’s September 9, 2009 memorandum for Chief Human Capital Officers, “Executive Resources Boards,” found at <https://www.chcoc.gov/content/executive-resources-boards>.

# Appendix II: Career Senior Executive Service (SES) Reassignments by Federal Agency, Fiscal Years 2007 through 2018

This appendix provides information on the number and percent of career SES members reassigned at individual federal agencies, fiscal years 2007 through 2018. For agencies with less than 11 reassignments in a fiscal year, we did not report the numbers or percentages of reassignments in part because single reassignment instances could skew reassignment percentages. There was substantial variation in the rate at which individual agencies reassigned career SES members. Tables 7a and 7b show the number of, and percentage of, career SES members that have been reassigned at individual federal agencies by year for fiscal years 2007 through 2018.

**Table 7a: Number and Percent of Career Senior Executive Service (SES) Member Reassignments, by Agency, Fiscal Years 2007 through 2018**

Agency	Median reassignment number, 2007-2018	Median reassignment percentage, 2007-2018	2007	2008	2009	2010	2011	2012
Agency for International Development	2	7.9%	-	-	-	-	-	-
Department of Agriculture	30.5	10.1%	19 6.0%	40 13.0%	33 11.0%	32 10.4%	36 11.7%	24 8.0%
Department of Commerce	28.5	8.3%	21 6.7%	30 9.3%	24 7.3%	27 8.2%	45 13.8%	25 7.5%
Department of Defense	152	12.5%	152 13.7%	144 12.6%	141 12%	159 13.1%	152 12.3%	185 15.6%
Department of Education	3.5	5.3%	-	-	-	-	-	-
Department of Energy	54	12.3%	72 17.3%	46 10.6%	45 10.1%	79 18.3%	97 22.9%	66 15.3%

**Appendix II: Career Senior Executive Service  
(SES) Reassignments by Federal Agency,  
Fiscal Years 2007 through 2018**

Department of Health and Human Services	31.5	8.4%	44 12.6%	24 6.6%	38 10.3%	42 11.2%	25 6.7%	38 10.1%
Department of Homeland Security	78	16.6%	49 16.8%	55 15.0%	36 8.6%	81 18.7%	78 16.6%	87 16.6%
Department of Housing and Urban Development	9	10.1%	-	-	-	23 25.4%	11 12.3%	-
Department of the Interior	18	8.4%	23 10.3%	21 9.3%	29 12.6%	13 5.7%	23 10.1%	16 7.1%
Department of Justice	126.5	17.8%	265 42.5%	108 16.4%	78 11.5%	113 16.5%	204 29.8%	155 22.5%
Department of Labor	6.5	4.4%	-	-	-	13 9.7%	-	-
Department of State	10	7.9%	-	-	-	11 8.7%	-	-
Department of Transportation	12.5	6.6%	14 7.6%	15 8.0%	13 6.9%	13 6.9%	-	12 6.3%
Department of Treasury	76	18.4%	80 20.9%	68 17.0%	59 14.1%	66 15.5%	68 15.6%	91 20.2%
Department of Veterans Affairs	33	10.8%	34 14.7%	24 10.3%	18 7.6%	24 9.5%	32 11.3%	39 11.7%
Environmental Protection Agency	25	10.2%	30 11.5%	31 11.9%	19 7.4%	25 10.0%	19 7.6%	25 9.9%
General Services Administration	11.5	14.1%	18 23.8%	11 13.8%	-	13 15.2%	13 14.9%	-
National Aeronautics and Space Administration	69	16.5%	106 25.2%	69 15.8%	48 10.9%	68 15.7%	51 11.9%	96 23.0%
National Science Foundation	8.5	11.6%	12 15.5%	-	-	13 16.8%	-	14 18.2%
Agencies not among those listed in the Chief Financial Officers Act of 1990 (combined)	23	5.5%	26 6.8%	22 5.5%	20 4.9%	27 6.6%	16 3.9%	23 5.5%
Nuclear Regulatory Commission	37	25.8%	61 40.9%	48 32.4%	25 16.1%	26 16.3%	40 25.1%	46 29.9%
Office of Personnel Management	5.5	11.3%	-	-	-	-	-	-
Small Business Administration	4	10.1%	-	-	-	-	-	-
Social Security Administration	24.5	17.3%	18 12.9%	15 10.9%	16 11.3%	30 21.1%	28 19.3%	26 18.4%

Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

Note: The median number of reassignments represent the midpoint of reassignments at each agency. In each cell for a particular fiscal year, there are two numbers. The top number is the number of career SES reassignments at the agency. The bottom number is the percent of career SES members reassigned at that agency. For agencies with less than 11 reassignments in a fiscal year, we did not

**Appendix II: Career Senior Executive Service  
(SES) Reassignments by Federal Agency,  
Fiscal Years 2007 through 2018**

report results in part because single reassignment instances could skew reassignment percentages, and signified them with a dash (-). Selected agencies we reviewed in this report are in bold.

**Table 7b: Number and Percent of Career Senior Executive Service (SES) Member Reassignments, by Agency, Fiscal Years 2007 through 2018 (continued)**

<b>Agency</b>	<b>Median reassignment number, 2007-2018</b>	<b>Median reassignment percentage, 2007-2018</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Agency for International Development	2	7.9%	-	-	-	-	-	-
Department of Agriculture	30.5	10.1%	28 9.4%	29 9.8%	21 6.9%	25 8.0%	35 11.5%	55 18.8%
Department of Commerce	28.5	8.3%	37 11.1%	21 6.3%	36 10.3%	31 8.4%	45 11.8%	17 4.4%
Department of Defense	152	12.5%	138 11.9%	131 11.4%	149 13.1%	139 12.1%	136 11.9%	153 13.7%
Department of Education	3.5	5.3%	-	-	-	-	-	16 24.6%
Department of Energy	54	12.3%	42 9.4%	68 15.6%	47 10.9%	50 11.2%	58 13.0%	50 11.6%
Department of Health and Human Services	31.5	8.4%	35 9.2%	35 9.5%	25 7.0%	28 7.5%	24 6.3%	15 4.2%
Department of Homeland Security	78	16.6%	91 16.6%	64 11.8%	103 19.3%	71 12.8%	78 13.0%	129 20.7%
Department of Housing and Urban Development	9	10.1%	-	17 19.4%	-	-	15 17.3%	12 14.9%
Department of the Interior	18	8.4%	20 8.9%	14 6.6%	14 6.8%	15 7.0%	28 13.0%	16 8.0%
Department of Justice	126.5	17.8%	123 17.4%	130 18.2%	119 16.7%	145 19.8%	119 15.6%	165 21.8%
Department of Labor	6.5	4.4%	-	-	-	-	-	-
Department of State	10	7.9%	17 11.3%	12 7.9%	-	13 8.0%	-	12 7.9%
Department of Transportation	12.5	6.6%	22 11.4%	-	-	16 7.9%	-	11 5.5%
Department of Treasury	76	18.4%	72 16.1%	84 19.6%	83 19.7%	88 20.8%	83 19.6%	72 17.1%
Department of Veterans Affairs	33	10.8%	31 8.6%	31 8.7%	42 12.2%	72 21.2%	36 10.2%	48 13.4%
Environmental Protection Agency	25	10.2%	25 9.9%	26 10.4%	17 7.1%	27 11.2%	31 12.6%	25 10.3%

**Appendix II: Career Senior Executive Service  
(SES) Reassignments by Federal Agency,  
Fiscal Years 2007 through 2018**

General Services Administration	11.5	14.1%	-	14	12	-	-	17
				17.7%	14.4%			19.7%
National Aeronautics and Space Administration	69	16.5%	152	69	84	76	43	44
			37.4%	17.3%	21.4%	19.2%	10.8%	11.2%
National Science Foundation	8.5	11.6%	-	-	-	-	-	-
Agencies not among those listed in the Chief Financial Officers Act of 1990 (combined)	23	5.5%	23	24	34	20	23	22
			5.6%	5.8%	8.1%	4.7%	5.5%	5.2%
Nuclear Regulatory Commission	37	25.8%	37	37	33	41	25	35
			25.3%	26.4%	23.8%	30.1%	19.3%	27.8%
Office of Personnel Management	5.5	11.3%	-	-	-	-	-	11
								19.3%
Small Business Administration	4	10.1%	-	-	-	-	-	11
								28.6%
Social Security Administration	24.5	17.3%	43	23	28	27	22	16
			30.4%	16.2%	20.7%	19.6%	15.3%	11.6%

Source: GAO analysis of Enterprise Human Resources Integration data. | GAO-20-559

Note: The median number of reassignments represent the midpoint of reassignments at each agency. In each cell for a particular fiscal year, there are two numbers. The top number is the number of career SES reassignments at the agency. The bottom number is the percent of career SES members reassigned at that agency. For agencies with less than 11 reassignments in a fiscal year, we did not report results in part because single reassignment instances could skew reassignment percentages, and signified them with a dash (-). Selected agencies we reviewed in this report are in bold.

# Appendix III: Career Senior Executive Service (SES) Reassignments at Selected Agencies, Fiscal Years 2017 through 2019

This appendix includes details about reassignments at selected agencies made within the 120-day moratoriums that begin (1) upon appointment of a new agency head, and (2) upon appointment of a career SES member's new, noncareer supervisor who has authority to give an initial performance appraisal. The reassignments in this appendix are subject to moratorium requirements described in 5 C.F.R. § 317.901. The tables in this appendix include the bureau/office from which the career SES member was reassigned, the title of their original position, and the status of the original position following reassignment. The status shows if the original position was abolished, was vacant as of March 31, 2020, filled by another career SES member, or filled by a noncareer SES member. In cases where the position was not abolished, the original position status also shows how long the position remained vacant. The tables also show the gaining bureau/office to which the career SES member was reassigned, their position title after reassignment, and the effective date of the reassignment. See table 8 for reassignments made during moratorium periods in fiscal years 2017 through 2019 at the Department of Commerce, table 9 for reassignments made at the Department of Energy, table 10 for the Department of Housing and Urban Development, and table 11 for the Department of the Interior.

**Table 8: Senior Executive Service (SES) Reassignments Made at the Department of Commerce within Moratorium Periods, Fiscal Years 2017 through 2019**

Original Bureau/Office	Career SES member – original position	Original position status	Gaining Bureau/Office	Career SES member – position after reassignment
Office of the Deputy Secretary, Office of the Secretary	Senior Advisor for Policy and Program Integration	Vacant for 2 years; filled by career SES member	Economic Development Administration	Deputy Assistant Secretary for Regional Affairs (effective 4/2/2017)

**Appendix III: Career Senior Executive Service (SES) Reassignments at Selected Agencies, Fiscal Years 2017 through 2019**

Office of General Counsel	Chief, Employment and Labor Law Division	Vacant for 1 year; filled by career SES member	Office of General Counsel	Assistant General Counsel for Employment Litigation, and Information Law (effective 5/14/2017)
Bureau of Economic Analysis	Chief Financial Officer and Director for Administration	Vacant for 2 years; filled by career SES member	Office of the Deputy Secretary, Office of the Secretary	Senior Advisor for Policy and Program Integration (effective 3/17/2019)
Census Bureau	Assistant Director for Field Operations	Vacant for 1 year; filled by career SES member	Census Bureau	Assistant Director for Decennial Census (effective 4/30/2017)
International Trade Administration	Associate Deputy Assistant Secretary	Vacant for 3 weeks; filled by career SES member	International Trade Administration	Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations (effective 5/14/2017)
National Oceanic Atmospheric Administration	Director, Systems Engineering Program	Scope of position responsibilities changed; the same career SES member remained in the position	National Oceanic Atmospheric Administration	Director, Office of System Architecture and Advance Planning (effective 5/28/2017)
National Oceanic Atmospheric Administration	Director, Office of Policy, Planning and Evaluation	Position abolished	National Oceanic Atmospheric Administration	Deputy Assistant Administrator for Science (effective 4/2/2017)
National Oceanic Atmospheric Administration	Director, Science and Research, Southwest Region	Vacant for 9 months; filled by career SES member	National Oceanic Atmospheric Administration	Director, Scientific Programs and Chief Science Advisor (effective 6/11/2017)
National Oceanic Atmospheric Administration	Director, Office of Organizational Excellence	Vacant for 10 months; filled by career SES member	National Oceanic Atmospheric Administration	Director, Science and Research, Northwest Region (effective 5/14/2017)

Source: GAO analysis of Department of Commerce documents. | GAO-20-559

Note: The reassignments in this table are those that occurred within the 120-day moratoriums on involuntary reassignments following the appointment of (1) a new agency head, and (2) upon appointment of a career SES member's new, noncareer supervisor who has authority to give an initial performance appraisal, from fiscal years 2017 through 2019. The reassignments in this table are subject to moratorium requirements described in 5 C.F.R. § 317.901. The first reassignment at Commerce during moratorium periods occurred on April 2, 2017.

**Table 9: Senior Executive Service (SES) Reassignments Made at the Department of Energy, within Moratorium Periods, Fiscal Years 2017 through 2019**

Bureau/Office	Career SES member – original position	Original position status	Gaining Bureau/Office	Career SES member – position after reassignment
Office of Congressional and Intergovernmental Affairs	Principal Deputy Assistant Secretary	No vacancy period; filled by noncareer SES member	Office of Environmental Management	Deputy Chief for Corporate Services (effective 10/1/2017)
Office of Energy Efficiency and Renewable Energy	Principal Deputy Assistant Secretary	No vacancy period; filled by noncareer SES member	Office of Energy Efficiency and Renewable Energy	Deputy Assistant Secretary for Operations (effective 4/30/2017)

**Appendix III: Career Senior Executive Service  
(SES) Reassignments at Selected Agencies,  
Fiscal Years 2017 through 2019**

Office of Energy Efficiency and Renewable Energy	Deputy Assistant Secretary for Operations	No vacancy period; filled by career SES member	Office of Energy Efficiency and Renewable Energy	Deputy Assistant Secretary for Transportation (effective 8/20/2017)
Office of Energy Efficiency and Renewable Energy	Director, Information Technology Services	Vacant for 6 weeks; filled by career SES member	Office of Energy Efficiency and Renewable Energy	Deputy Assistant Secretary for Operations (effective 8/20/2017)
Office of Environmental Health, Safety, and Security	Associate Under Secretary for Environment, Health, Safety and Security	Vacant for 5 months; filled by career SES member	Office of the Under Secretary for Management and Operations	Associate Under Secretary for Management and Operations (effective 6/2/2017)
Office of Environmental Management	Assistant Manager for Safety and Environment	Position abolished	Office of Environmental Management	Assistant Manager for Mission Support (effective 5/14/2017)
Office of Environmental Management	Assistant Manager for Mission Support	No vacancy period; filled by career SES member	Office of Environmental Management	Assistant Manager for River and Plateau (effective 5/14/2017)
Office of Environmental Management	Senior Advisor	Position abolished	Office of Environmental Management	Principal Deputy Assistant Secretary (effective 6/25/2017)
Office of Environmental Management	Principal Deputy Assistant Secretary	No vacancy period; filled by career SES member	Office of Environmental Management	Senior Advisor (effective 6/25/2017)
Office of Nuclear Energy	Principal Deputy Assistant Secretary	No vacancy period; filled by another career SES member	Office of Nuclear Energy	Associate Principal Deputy Assistant Secretary (effective 5/28/2017)
Office of Nuclear Energy	Deputy Assistant Secretary for International Nuclear Policy and Cooperation	Position abolished	Office of Nuclear Energy	Principal Deputy Assistant Secretary (effective 5/28/2017)
Office of Nuclear Energy	Principal Deputy Assistant Secretary	No vacancy period; filled by career SES member	Office of Science	Senior Advisor (effective 7/15/2019)
Office of Planning and Management Oversight	Associate Deputy Under Secretary for Science and Energy	Position abolished	Office of Fossil Energy	Deputy Assistant Secretary for Operations (effective 5/14/2017)
Office of Policy	Chief Operating Officer	Position abolished	Loan Programs Office	Senior Advisor (effective 6/23/2019)
Office of Science	Senior Advisor	Position abolished	Office of Science	Director, Office of Safety and Security Policy (effective 5/28/2017)
Office of the Under Secretary for Management and Performance	Associate Under Secretary for Management and Operations	Position abolished	Office of Environmental Health Safety and Security	Associate Under Secretary for Environment, Health, Safety and Security (effective 11/12/2017)

Source: GAO analysis of Department of Energy documents. | GAO-20-559

Note: The reassignments in this table are those that occurred within the 120-day moratoriums on involuntary reassignments following the appointment of (1) a new agency head, and (2) upon appointment of a career SES member's new, noncareer supervisor who has authority to give an initial



**Appendix III: Career Senior Executive Service (SES) Reassignments at Selected Agencies, Fiscal Years 2017 through 2019**

performance appraisal, from fiscal years 2017 through 2019. The reassignments in this table are subject to moratorium requirements described in 5 C.F.R. § 317.901. The first reassignment at Energy during moratorium periods occurred on April 30, 2017.

**Table 10: Senior Executive Service (SES) Reassignments Made at the Department of Housing and Urban Development (HUD) within Moratorium Periods, Fiscal Years 2017 through 2019**

Bureau/Office	Career SES member – original position	Original position status	Gaining Bureau/Office	Career SES member – position after reassignment
Office of Community Planning and Development	Director, Office of Block Grant Assistance	Vacant 30 months; filled by career SES member	Office of Community Planning and Development	Deputy Assistant Secretary for Grant Programs (effective 9/3/2017)
Office of Fair Housing and Equal Opportunity	General Deputy Assistant Secretary	Vacant 3 weeks; filled by noncareer SES member	Office of Policy Development and Research	Associate Deputy Assistant Secretary for Economic Affairs (effective 4/28/2019)
Office of Field Policy and Management	Senior Advisor	Vacant 22 months; filled by career SES member	Office of the Assistant Secretary for Administration	General Deputy Assistant Secretary for Administration (effective 4/15/2018)
Office of Housing	Director	Vacant as of 3/31/2020	Office of Housing	Associate Deputy Assistant Secretary for Multifamily Housing (effective 5/12/2019)
Office of Housing	Senior Advisor	Vacant 17 months; filled by career SES member	Office of the Chief Financial Officer	Deputy Chief Financial Officer (effective 12/24/2017)

Source: GAO analysis of Department of Housing and Urban Development documents. | GAO-20-559

Note: The reassignments in this table are those that occurred within the 120-day moratoriums on involuntary reassignments following the appointment of (1) a new agency head, and (2) upon appointment of a career SES member's new, noncareer supervisor who has authority to give an initial performance appraisal, from fiscal years 2017 through 2019. The reassignments in this table are subject to moratorium requirements described in 5 C.F.R. § 317.901. The first reassignment at HUD during moratorium periods occurred on September 3, 2017.

**Table 11: Senior Executive Service (SES) Reassignments at the Department of the Interior Made within Moratorium Periods, October 30, 2017 through September 30, 2019**

Bureau/Office	Career SES member – original position	Original position status	Gaining Bureau/Office	Career SES member – position after reassignment
Office of the Chief Information Officer	Director of Management and Business Services	Vacant for 8 months; filled by career SES member	Office of the Executive Secretariat and Regulatory Affairs	Director (effective 6/23/2019)
Office of Environmental Planning and Compliance	Deputy Director	Vacant as of 3/31/2020	Bureau of Fish and Wildlife Service	Deputy Director, Operations (effective 7/7/2019)
Office of Interior Business Center	Associate Director	No vacancy period; filled by career SES member	Office of Interior Business Center	Deputy Director (effective 5/12/2019)
Office of the Special Trustee	Regional Fiduciary Trust Administrator	No vacancy period; filled by career SES member	Office of the Special Trustee	Deputy Special Trustee, Field Operations (effective 5/12/2019)

**Appendix III: Career Senior Executive Service  
(SES) Reassignments at Selected Agencies,  
Fiscal Years 2017 through 2019**

Office of the Special Trustee	Deputy Special Trustee, Field Operations	No vacancy period; filled by career SES member	Office of the Special Trustee	Regional Fiduciary Trust Administrator, Field Operations (effective 5/12/2019)
Office of the Special Trustee	Regional Fiduciary Trust Administrator	Vacant as of 3/31/2020	Office of the Special Trustee	Senior Advisor (effective 8/4/2019)
Bureau of Indian Affairs	Regional Director, Rocky Mountain	Vacant 7 months; filled by career SES member	Bureau of Indian Affairs	Director (effective 4/28/2019)
Bureau of Indian Affairs	Regional Director, Midwest	No vacancy period; filled by career SES member	Bureau of Indian Affairs	Regional Director, Great Plains (effective 6/23/2019)
Bureau of Reclamation	Director, Mission Support Organization	No vacancy period; filled by career SES member	Bureau of Reclamation	Senior Advisor (effective 6/1/2019)
Bureau of Reclamation	Director, Policy and Administration	Position abolished	Bureau of Reclamation	Director, Mission Support Organization (effective 6/1/2019)
Bureau of Reclamation	Senior Advisor	No vacancy period; filled by career SES member	Bureau of Reclamation	Great Plains Regional Director (effective 1/21/2018)

Source: GAO analysis of Department of the Interior documents. | GAO-20-559

Note: The reassignments in this table are those that occurred within the 120-day moratoriums on involuntary reassignments following the appointment of a new agency head on April 11, 2019. The reassignments in this table are subject to moratorium requirements described in 5 C.F.R. § 317.901. The first reassignment during moratorium periods reported by Interior occurred on January 21, 2018.

# Appendix IV: Career Senior Executive Service (SES) Reassignments at Selected Agencies in the 60 Days Following the End of the New Agency Head Moratorium, Fiscal Years 2017 through 2019

This appendix includes details about reassignments made at four selected agencies in the 60 days after the end of their new agency head moratorium, from fiscal years 2017 through 2019. The reassignments in these tables are not subject to the new agency head moratorium requirement described in 5 C.F.R. § 317.901.<sup>1</sup> Each table includes the bureau/office from which the career SES member was reassigned, the title of their original position, and the status of the original position following reassignment. The status shows if the original position was abolished, was vacant as of March 31, 2020, filled by another career SES member, or filled by a noncareer SES member. In cases where the position was not eliminated, the original position status also shows how long the position remained vacant. The tables also show the gaining bureau/office to which the career SES member was reassigned, their position title after reassignment, and the effective date of the reassignment. See table 12 for reassignments made in the 60 days following the end of the new agency head moratorium period in fiscal years 2017 through 2019 at the Department of Commerce, table 13 for the Department of Energy, table 14 for the Department of Housing and Urban Development, and table 15 for the Department of the Interior.

---

<sup>1</sup>The career SES reassignments in this section are subject to the 15-day and 60-day advance notification requirements that apply to all career SES reassignments, both within and outside of moratorium periods. 5 U.S.C. § 3395(a); 5 C.F.R. § 317.901(b).

**Appendix IV: Career Senior Executive Service (SES) Reassignments at Selected Agencies in the 60 Days Following the End of the New Agency Head Moratorium, Fiscal Years 2017 through 2019**

**Table 12: Career Senior Executive Service (SES) Reassignments at the Department of Commerce in the 60 Days Following the End of the New Agency Head Moratorium (June 29, 2017 through August 28, 2017)**

Bureau/Office	Career SES member – original position	Original position status	Gaining Bureau/Office	Career SES member – position after reassignment
Office of the Chief Financial Officer and Assistant Secretary for Administration	Director, Human Resources Operations Center	No vacancy period; filled by career SES member	Office of the Deputy Secretary	Director, Human Resources Services, Enterprise Services (effective 8/6/2017)
Bureau of Economic Analysis	Associate Director for Industry Accounts	Vacant for 8 months; filled by career SES member	Bureau of Economic Analysis	Associate Director for National Economic Accounts (effective 8/6/2017)
National Oceanic and Atmospheric Administration	Chief Financial Officer/Chief Administrative Officer	Vacant for 10 months; filled by career SES member	National Oceanic and Atmospheric Administration	Director, Budget Office (effective 8/6/2017)
National Oceanic and Atmospheric Administration	Deputy Director for Workforce Management	Vacant for 10 months; filled by career SES member	Census Bureau	Chief, Human Resources Division (effective 7/9/2017)
National Oceanic and Atmospheric Administration	Director, Budget Office	Vacant 4 months; filled by career SES member	National Oceanic and Atmospheric Administration	Deputy Assistant Administrator for Program and Operations (effective 7/9/2017)
National Oceanic and Atmospheric Administration	Director, Joint Polar Satellite Systems	No vacancy period; filled by career SES member	National Oceanic and Atmospheric Administration	Director, Office of Research and Applications (effective 8/6/2017)
National Oceanic and Atmospheric Administration	Systems Program Director	Vacant for 9 months; filled by Career SES member	National Oceanic and Atmospheric Administration	Director Joint Polar Satellite Systems (effective 8/6/2017)

Source: GAO analysis of Department of Commerce documents. | GAO-20-559

Note: The reassignments in this table are those that occurred within the 60-days following the end of the 120-day moratorium on involuntary reassignments following the appointment of a new agency head. The reassignments in this table are not subject to the new agency head moratorium requirement described in 5 C.F.R. § 317.901.

**Table 13: Career Senior Executive Service (SES) Reassignments at the Department of Energy in the 60 Days Following the End of the New Agency Head Moratorium (July 1, 2017 through August 30, 2017)**

Bureau/Office	Career SES member – original position	Original position status	Gaining Bureau/Office	Career SES member – position after reassignment
Office of International Affairs	Principal Deputy Assistant Secretary for International Affairs	No vacancy period; filled by noncareer SES member	Office of International Affairs	Deputy Assistant Secretary for Middle East, Africa and Eurasia (effective 8/6/2017)
Office of Nuclear Energy	Associate Deputy Assistant Secretary for Fuel Cycle Technologies	Position abolished	Office of Nuclear Energy	Associate Deputy Assistant Secretary for Nuclear Facility Operations (effective 8/6/2017)
National Nuclear Security Administration	Manager, Livermore Site Office	Vacant for 5 months; filled by career SES member	National Nuclear Security Administration	Senior Advisor, Savannah River Site Office (effective 8/20/2017)

Source: GAO analysis of Department of Energy documents. | GAO-20-559

**Appendix IV: Career Senior Executive Service (SES) Reassignments at Selected Agencies in the 60 Days Following the End of the New Agency Head Moratorium, Fiscal Years 2017 through 2019**

Notes: The reassignments in this table are those that occurred within the 60-days following the end of the 120-day moratorium on involuntary reassignments following the appointment of a new agency head. The reassignments in this table are not subject to the new agency head moratorium requirement described in 5 C.F.R. § 317.901.

**Table 14: Career Senior Executive Service (SES) Reassignments at the Department of Housing and Urban Development in the 60 Days Following the End of the New Agency Head Moratorium (July 1, 2017 through August 30, 2017)**

<b>Bureau/Office</b>	<b>Career SES member – original position</b>	<b>Original position status</b>	<b>Gaining Bureau/Office</b>	<b>Career SES member – position after reassignment</b>
Office of Administration	Chief Administrative Officer	Vacant for 14 months; filled by career SES member	Office of Administration	Senior Agency Official for Privacy and Chief FOIA Officer (effective 7/23/2017)
Office of the Chief Human Capital Officer	Deputy Assistant Secretary for Business Management and Administration/Chief Management Officer	No vacancy period; filled by career SES member	Office of Small and Disadvantaged Business Utilization	Director (effective 7/23/2017)
Office of Healthy Homes and Lead Hazard Control	Director	No vacancy period; filled by career SES member	Office of Healthy Homes and Lead Hazard Control	Senior Advisor (effective 7/23/2017)
Office of Housing	Federal Housing Administration Comptroller	Vacant 31 months; filled by career SES member	Office of Housing	Deputy Assistant Secretary for Finance and Budget (effective 7/23/2017)
Office of Policy Development and Research	General Deputy Assistant Secretary	Vacant 2 weeks; filled by career SES member	Office of Healthy Homes and Lead Hazard Control	Director (effective 7/23/2017)
Office of Policy Development and Research	Associate Deputy Assistant Secretary	Vacant as of 3/31/2020	Office of Policy Development and Research	Deputy Assistant Secretary for the Office of Policy Development (effective 8/6/2017)
Office of Public and Indian Housing	Deputy Assistant Secretary for Public Housing Investments	Vacant 27 months; filled by career SES member	Office of Public and Indian Housing	General Deputy Assistant Secretary for Public and Indian Housing (effective 7/23/2017)
Office of Public and Indian Housing	General Deputy Assistant Secretary for Public and Indian Housing	No vacancy period; filled by career SES member	Office of Community Planning and Development	Deputy Assistant Secretary for Special Needs (effective 7/23/2017)
Center for Faith-Based and Community Initiatives	Director	Vacant 2 weeks; filled by Schedule C employee	Office of Administration	Deputy Chief Administrative Officer (effective 7/23/2017)
Government National Mortgage Association	Executive Vice President/Chief Operating Officer	Vacant 22 months; filled by noncareer SES member	Office of the Chief Human Capital Officer	Deputy Assistant Secretary for Business Management and Administration/Chief Management Officer (effective 7/23/2017)

Source: GAO analysis of Department of Housing and Urban Development documents. | GAO-20-559

Notes: The reassignments in this table are those that occurred within the 60-days following the end of the 120-day moratorium on involuntary reassignments following the appointment of a new agency head. The reassignments in this table are not subject to the new agency head moratorium

**Appendix IV: Career Senior Executive Service (SES) Reassignments at Selected Agencies in the 60 Days Following the End of the New Agency Head Moratorium, Fiscal Years 2017 through 2019**

requirement described in 5 C.F.R. § 317.901. Schedule C employees are political appointments to confidential or policy-setting positions.

**Table 15: Career Senior Executive Service (SES) Reassignments at the Department of the Interior in the 60 Days Following the End of the New Agency Head Moratorium (August 10, 2019 through October 8, 2019)**

<b>Bureau/Office</b>	<b>Career SES member – original position</b>	<b>Original position status</b>	<b>Gaining Bureau/Office</b>	<b>Career SES member – position after reassignment</b>
Office of the Secretary	Director, Gulf of Mexico Restoration	No vacancy period; filled by career SES member	Office of the Secretary	Director, Gulf of Mexico Restoration (effective 8/18/2019)
US Geological Survey	Associate Director for Budget	Vacant as of 3/31/2020	US Geological Survey	Deputy Director (effective 9/15/2019)
National Park Service	Park Manager (Superintendent) Grand Teton National Park	Vacant as of 3/31/2020	National Park Service	Deputy Director, Operations (effective 9/15/2019)
National Park Service	Regional Director, Alaska	Vacant as of 3/31/2020	National Park Service	Regional Director, Midwest Region (effective 9/29/2019)

Source: GAO analysis of Department of the Interior documents. | GAO-20-559

Notes: The reassignments in this table are those that occurred within the 60-days following the end of the 120-day moratorium on involuntary reassignments following the appointment of a new agency head. The reassignments in this table are not subject to the new agency head moratorium requirement described in 5 C.F.R. § 317.901.

# Appendix V: Comments from the Department of Commerce



UNITED STATES DEPARTMENT OF COMMERCE  
Chief Financial Officer and  
Assistant Secretary for Administration  
Washington, D.C. 20230

July 27, 2020

Ms. Michelle B. Rosenberg  
Acting Director  
Strategic Issues Team  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg:

Thank you for the opportunity to review and comment on the Government Accountability Office's draft report titled *Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes* (GAO-20-559).

On behalf of the Department of Commerce, I have enclosed our comments on the draft report. We agree with the recommendation and will take steps to implement it. We will include details in the statement of action we will submit after issuance of the final report.

If you have any questions, please contact MaryAnn Mausser, Department of Commerce Audit Liaison, at (202) 482-8120.

Sincerely,

WYNN COGGINS Digitally signed by WYNN  
COGGINS  
Date: 2020.07.28 13:47:25  
+0800

Wynn Coggins  
Deputy Assistant Secretary for  
Administration

Enclosure

---

**Appendix V: Comments from the Department  
of Commerce**

**Department of Commerce's Comments on  
GAO Draft Report entitled *Senior Executive Service: Opportunities for  
Selected Agencies to Improve Their Career Reassignment Processes (GAO-20-559)***

The Department of Commerce has reviewed the draft report and we offer the following comments for GAO's consideration.

**Comments on the Recommendation**

The Government Accountability Office (GAO) made one recommendation to the Department of Commerce in the report.

- **Recommendation 1:** The Secretary of Commerce, in consultation with the department-level Executive Resources Board and Office of Executive Resources, should fully implement policy and guidance in development that require the bureaus to maintain career SES reassignment-related documentation in the SES member's Official Personnel Folder, and to provide those documents to the Office of Executive Resources for review and approval before making career SES reassignments.

**Commerce Response:** The Department of Commerce fully agrees with the report's recommendation and appreciates GAO's support and endorsement of its planned actions as stated on page 21.



---

---

Text of Appendix V: Comments from the Department of Commerce

Page 1

July 27, 2020

UNITED STATES DEPARTMENT OF COMMERCE

Chief Financial Officer and  
Assistant Secretary for Administration  
Washington, D.C. 20230

Ms. Michelle B. Rosenberg Acting Director  
Strategic Issues Team  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg:

Thank you for the opportunity to review and comment on the Government Accountability Office's draft report titled Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes (GAO-20-559).

On behalf of the Department of Commerce, I have enclosed our comments on the draft report. We agree with the recommendation and will take steps to implement it. We will include details in the statement of action we will submit after issuance of the final report.

If you have any questions, please contact MaryAnn Mausser, Department of Commerce Audit Liaison, at (202) 482-8120.

Sincerely,

Wynn Coggins  
Deputy Assistant Secretary for Administration

Enclosure

---

Page 2

**Department of Commerce’s Comments on GAO Draft Report entitled Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes (GAO-20-559)** The Department of Commerce has reviewed the draft report and we offer the following comments for GAO’s consideration.

Comments on the Recommendation

The Government Accountability Office (GAO) made one recommendation to the Department of Commerce in the report.

**Recommendation 1:**

The Secretary of Commerce, in consultation with the department-level Executive Resources Board and Office of Executive Resources, should fully implement policy and guidance in development that require the bureaus to maintain career SES reassignment-related documentation in the SES member’s Official Personnel Folder, and to provide those documents to the Office of Executive Resources for review and approval before making career SES reassignments.

**Commerce Response:**

The Department of Commerce fully agrees with the report’s recommendation and appreciates GAO’s support and endorsement of its planned actions as stated on page 21.

# Appendix VI: Comments from the Department of Housing and Urban Development



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-3000

CHIEF HUMAN CAPITAL OFFICER

Michelle B. Rosenberg  
Acting Director  
Strategic Issues  
United States Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg:

The Department of Housing and Urban Development (HUD) appreciates the opportunity to review and comment on the Government Accountability Office (GAO) draft report entitled, "*SES Opportunities for Selected Agencies to Improve Their Career Reassignment Processes*" (GAO 20-559). In the draft report, GAO makes one recommendation to HUD intended to improve the career reassignment process.

HUD's Office of Executive Resources (OER) has finalized the standard operating procedures for SES reassignments including the GAO recommendation. Among other things the final procedures include (1) obtaining a written moratorium waiver from the career SES member before making the reassignment during the new non career supervisor moratorium, and (2) retaining the waiver in the members Official Personnel Folder. Once again, thank you for the opportunity to comment on the draft report. If you have any questions, please contact Rassii Elliott in HUD's Office of Accountability, at 202-402-5231.

Sincerely,

Heather  
Dieguez

Heather R. Dieguez  
Acting Director Office of Executive Resources  
Office of the Chief Human Capital Officer

[www.hud.gov](http://www.hud.gov)

[espanol.hud.gov](http://espanol.hud.gov)

Text of Appendix VI: Comments from the Department of Housing  
and Urban Development

Page 1

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-3000

Michelle B. Rosenberg Acting  
Director Strategic Issues

United States Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg:

The Department of Housing and Urban Development (HUD) appreciates the opportunity to review and comment on the Government Accountability Office (GAO) draft report entitled, "SES Opportunities for Selected Agencies to Improve Their Career Reassignment Processes" (GAO 20- 559). In the draft report, GAO makes one recommendation to HUD intended to improve the career reassignment process.

HUD's Office of Executive Resources (OER) has finalized the standard operating procedures for SES reassignments including the GAO recommendation. Among other things the final procedures include (1) obtaining a written moratorium waiver from the career SES member before making the reassignment during the new non career supervisor moratorium, and (2) retaining the waiver in the members Official Personnel Folder. Once again, thank you for the opportunity to comment on the draft report. If you have any questions, please contact Rassii Elliott in HUD's Office of Accountability, at 202-402-5231.

Sincerely,

Heather R. Dieguez

Acting Director Office of Executive Resources Office of the Chief Human Capital  
Officer

# Appendix VII: Comments from the Department of the Interior



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

6 Aug 2020

Michelle B. Rosenberg  
Acting Director, Strategic Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg,

Thank you for providing the Department of the Interior (Department) an opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, *Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes* (GAO-20-559). We appreciate GAO's review and feedback related to our Senior Executive Service (SES) reassignment processes.

The GAO issued one recommendation to the Department as part of its overall findings to improve the SES reassignment process. Below is a summary of actions taken or planned to implement the recommendations.

**Recommendation 3: "The Secretary of the Interior should update its career SES reassignment process to document agency processes for making reassignments during the new, noncareer supervisor moratorium period and ensure that those processes are in accordance with the requirement related to waivers of the moratorium period."**

**Response:** Concur. The Department considers this recommendation closed and has addressed it by updating its SES Standard Operating Procedures to include a requirement for verification of the completion of the new, noncareer supervisory moratorium period when a career appointee is under consideration for a reassignment. The Office of Human Capital has issued the updated Standard Operating Procedure to the Department's Executive Resources Coordinators and posted it to the Executive Resources Community of Practice Folder on Microsoft Teams.

If you have any questions or need additional information, please contact Raymond A. Limon, Deputy Assistant Secretary – Human Capital and Diversity and Chief Human Capital Officer at [raymond\\_limon@ios.doi.gov](mailto:raymond_limon@ios.doi.gov).

Sincerely,

Digitally signed by SCOTT  
CAMERON  
Date: 2020.08.06 16:20:46 -04'00'

Scott J. Cameron  
Acting Assistant Secretary  
Policy, Management and Budget

---

---

Text of Appendix VII: Comments from the Department of the  
Interior

Page 1

United States Department of the Interior  
OFFICE OF THE SECRETARY  
Washington, DC 20240

6 Aug 2020  
Michelle B. Rosenberg  
Acting Director, Strategic Issues

U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg,

Thank you for providing the Department of the Interior (Department) an opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, *Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes* (GAO-20-559). We appreciate GAO's review and feedback related to our Senior Executive Service (SES) reassignment processes.

The GAO issued one recommendation to the Department as part of its overall findings to improve the SES reassignment process. Below is a summary of actions taken or planned to implement the recommendations.

Recommendation 3: "The Secretary of the Interior should update its career SES reassignment process to document agency processes for making reassignments during the new, noncareer supervisor moratorium period and ensure that those processes are in accordance with the requirement related to waivers of the moratorium period."

Response: Concur. The Department considers this recommendation closed and has addressed it by updating its SES Standard Operating Procedures to include a requirement for verification of the completion of the new, noncareer supervisory moratorium period when a career appointee is under consideration for a reassignment. The Office of Human Capital has issued the updated Standard Operating Procedure to the Department's Executive Resources Coordinators and

---

posted it to the Executive Resources Community of Practice Folder on Microsoft Teams.

If you have any questions or need additional information, please contact Raymond A. Limon, Deputy Assistant Secretary – Human Capital and Diversity and Chief Human Capital Officer at [raymond\\_limon@ios.doi.gov](mailto:raymond_limon@ios.doi.gov).

Sincerely,

Scott J. Cameron  
Acting Assistant Secretary Policy, Management and Budget

# Appendix VIII: Comments from the Office of Personnel Management



Employee Services

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

August 21, 2020

Ms. Michelle B. Rosenberg  
Acting Director, Strategic Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg:

Thank you for providing us the opportunity to respond to the U.S. Government Accountability Office (GAO) draft report entitled, *Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes*, GAO-20-559, GAO 103170. Our response to your recommendation is provided below.

**Recommendation #4:** The Acting Director of the Office of Personnel Management should use OPM's oversight authority to monitor career SES reassignments to ensure that federal agencies meet requirements contained in statute or regulation, and follow OPM's related guidance. In situations where OPM finds that an agency has taken a career SES reassignment action contrary to these requirements, it should use its authority to require the agency to take corrective action, as appropriate.

**We do not concur with the recommendation as stated.** While it is true that OPM has the authority, pursuant to 5 U.S.C. 1103(a)(5) to enforce the statutes governing the civil service, and has given itself the ability, pursuant to 5 C.F.R. 317.1001 (under authority of 5 U.S.C. 3395 and 3397), to direct corrective action when it becomes aware "that an agency has taken an action contrary to law or regulation," the use of these authorities by OPM is permissive, not mandatory.

Agencies remain primarily responsible for following the statutes and regulations governing the SES. Thus, although OPM could use its authority to require the agency to take corrective action should it become aware of a violation of regulation or statute, it has chosen not to make reassignments a focus of its enforcement efforts, in light of the scarce resources available to OPM and the many mandates OPM is required to meet. We rely upon agencies to comply with the provisions governing reassignments as we prioritize other work.

As OPM has previously stated, "OPM has not previously used its authority to require agencies to take corrective action on any SES reassignments. Any action that OPM might take would necessarily be dependent upon the facts of each particular situation and, accordingly, it is not appropriate for generalizations."



---

**Appendix VIII: Comments from the Office of  
Personnel Management**

Ms. Michelle B. Rosenberg

Page 2

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Mr. David LaCerte, Deputy Associate Director, Senior Executive Services and Performance Management by phone at (202) 606-8046 or by email at [David.LaCerte@opm.gov](mailto:David.LaCerte@opm.gov).

Sincerely,

**DENNIS KIRK**

Digitally signed by DENNIS KIRK  
Date: 2020.08.21 12:54:37 -04'00'

Dennis Dean Kirk, Esq.  
Associate Director

Enclosure

---

---

Text of Appendix VIII: Comments from the Office of  
Personnel Management

Page 1

August 21, 2020  
United States Office of Personnel Management  
Washington DC 20415

Ms. Michelle B. Rosenberg  
Acting Director, Strategic Issues

U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Rosenberg:

Thank you for providing us the opportunity to respond to the U.S. Government Accountability Office (GAO) draft report entitled, Senior Executive Service: Opportunities for Selected Agencies to Improve Their Career Reassignment Processes, GAO-20-559, GAO 103170. Our response to your recommendation is provided below.

**Recommendation #4:**

The Acting Director of the Office of Personnel Management should use OPM's oversight authority to monitor career SES reassignments to ensure that federal agencies meet requirements contained in statute or regulation, and follow OPM's related guidance. In situations where OPM finds that an agency has taken a career SES reassignment action contrary to these requirements, it should use its authority to require the agency to take corrective action, as appropriate.

We do not concur with the recommendation as stated. While it is true that OPM has the authority, pursuant to 5 U.S.C. 1103(a)(5) to enforce the statutes governing the civil service, and has given itself the ability, pursuant to 5 C.F.R. 317.1001 (under authority of 5 U.S.C. 3395 and 3397), to direct corrective action when it becomes aware "that an agency has taken an action contrary to law or regulation," the use of these authorities by OPM is permissive, not mandatory.

Agencies remain primarily responsible for following the statutes and regulations governing the SES. Thus, although OPM could use its authority to require the agency to take corrective action should it become aware of a violation of regulation or statute, it has chosen not to make reassignments a focus of its enforcement efforts, in light of the scarce resources available to OPM and the many mandates OPM is required to meet. We rely upon agencies to comply with the provisions governing reassignments as we prioritize other work.

As OPM has previously stated, “OPM has not previously used its authority to require agencies to take corrective action on any SES reassignments. Any action that OPM might take would necessarily be dependent upon the facts of each particular situation and, accordingly, it is not appropriate for generalizations.”

Page 2

Ms. Michelle B. Rosenberg

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Mr. David LaCerte, Deputy Associate Director, Senior Executive Services and Performance Management by phone at (202) 606-8046 or by email at

David.LaCerte@opm.gov.

Sincerely,

Dennis Dean Kirk, Esq. Associate Director

Enclosure

# Appendix IX: Accessible Data

## Data Tables

**Figure 1: Reassignments of Career Senior Executive Service (SES) Members Governmentwide, Fiscal Years 2007 through 2018**

Year	Number of reassignments	Median number of reassignments	Percent of career SES reassigned (%)	Median percent of total permanent workforce (%)
2007	1093	926.5	17.0	13.1
2008	810	926.5	12.1	13.1
2009	688	926.5	10.0	13.1
2010	920	926.5	13.2	13.1
2011	988	926.5	14.0	13.1
2012	1011	926.5	14.1	13.1
2013	971	926.5	13.5	13.1
2014	861	926.5	12.1	13.1
2015	889	926.5	12.6	13.1
2016	933	926.5	12.9	13.1
2017	858	926.5	11.7	13.1
2018	970	926.5	13.5	13.1

**Figure 2: Career Senior Executive Service (SES) Reassignments Involving Relocations, Fiscal Years 2007 through 2018**

Year	Number of reassignments involving relocation	Median number of reassignments involving relocation	Percent of career SES reassigned involving relocation (%)	Median percent of total permanent workforce involving relocation (%)
2007	204	203	18.7	22.6
2008	200	203	24.7	22.6
2009	169	203	24.6	22.6
2010	227	203	24.7	22.6
2011	215	203	21.8	22.6
2012	237	203	23.4	22.6
2013	210	203	21.6	22.6

Appendix IX: Accessible Data

2014	202	203	23.5	22.6
2015	172	203	19.3	22.6
2016	197	203	21.1	22.6
2017	167	203	19.5	22.6
2018	228	203	23.5	22.6

**Figure 3: Reassignments of Retirement-Eligible Career Senior Executive Service (SES) Members, Fiscal Years 2007 through 2018**

Year	Retirement-eligible career SES (%)	Retirement-eligible career SES reassigned (%)
2007	32.5	27.3
2008	33.2	25.3
2009	35.4	27.9
2010	36.4	28.3
2011	35.2	31.6
2012	35.4	31
2013	35.2	34.6
2014	35	29.2
2015	35.3	30.7
2016	35.2	34.1
2017	35.3	35.5
2018	35.9	34.5

**Figure 4: Reassignments of Career Senior Executive Service (SES) Members by Gender, Fiscal Years 2007 through 2018**

Year	Male career SES (%)	Male career SES reassigned (%)	Female career SES (%)	Female career SES reassigned (%)
2007	70.91	72.28	29.09	27.72
2008	70.76	72.1	29.24	27.9
2009	70.07	68.46	29.93	31.54
2010	69.63	68.15	30.37	31.85
2011	68.67	71.97	31.33	28.03
2012	67.41	68.71	32.59	31.29
2013	67.33	67.77	32.67	32.23
2014	67.11	67.6	32.89	32.4
2015	66.93	66.59	33.07	33.41
2016	65.82	65.92	34.18	34.08

Appendix IX: Accessible Data

2017	65.85	67.48	34.15	32.52
2018	65.58	67.94	34.42	32.06

**Figure 5: Reassignments of Career Senior Executive Service (SES) Members, by Race, Fiscal Years 2007 through 2018**

Year	White career SES (%)	White career SES reassigned (%)	Non-white career SES (%)	Non-white career SES reassigned (%)
2007	83.9	83	16.1	17
2008	83.8	82.3	16.2	17.7
2009	83.2	83	16.8	17
2010	82.8	80.2	17.2	19.8
2011	83.5	83.6	16.5	16.4
2012	81	80.6	19	19.4
2013	80.6	80.2	19.4	19.8
2014	80.2	81	19.8	19
2015	79.7	79.4	20.3	20.6
2016	79.3	81.9	20.7	18.1
2017	78.6	79.5	21.4	20.5
2018	77.9	77.3	22.1	22.7

---

# Appendix X: GAO Contact and Staff Acknowledgments

---

## GAO Contact

Michelle B. Rosenberg, (202) 512-6806 or [RosenbergM@gao.gov](mailto:RosenbergM@gao.gov).

---

## Staff Acknowledgments

In addition to the contact named above, Sarah E. Veale (Assistant Director), Shea Bader, Crystal Bernard, Karin Fangman, Robert Goldenkoff, Meredith Moles, Steven Putansu, A. Maurice Robinson, and Kayla Robinson made major contributions to this report. Jaqueline Chapin, Robert Gebhart, Kimberly Washington, and Alicia White provided key assistance.

---

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through our website. Each weekday afternoon, GAO posts on its [website](#) newly released reports, testimony, and correspondence. You can also [subscribe](#) to GAO's email updates to receive notification of newly posted products.

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).  
Subscribe to our [RSS Feeds](#) or [Email Updates](#). Listen to our [Podcasts](#).  
Visit GAO on the web at <https://www.gao.gov>.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/fraudnet/fraudnet.htm>

Automated answering system: (800) 424-5454 or (202) 512-7700



---

---

## Congressional Relations

Orice Williams Brown, Managing Director, [WilliamsO@gao.gov](mailto:WilliamsO@gao.gov), (202) 512-4400,  
U.S. Government Accountability Office, 441 G Street NW, Room 7125,  
Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

---

## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548

