

Congress of the United States
Washington, DC 20515

March 28, 2018

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Comptroller General Dodaro:

We are writing to you in light of troubling reports of reassignments of members of the Senior Executive Service (SES). Reports have suggested the Department of the Interior reassigned as many as 33 members of the SES, prompting concerns of political motivations and a review by the Department's Office of Inspector General.¹ We are similarly concerned reassignments at other agencies² may be based on political considerations.

Congress created the SES program to enhance the workforce at federal agencies by developing a group of professionals to ensure delivery of high quality service to the public. We are concerned that mismanagement of this program could lead to premature retirements, lower morale within the federal workforce, higher costs for the department, and discourage talented professionals from entering the SES.

According to Office of Personnel Management (OPM) regulations, agencies cannot involuntarily reassign SES employees within 120 days of the appointment of a new agency head.³ Similarly, agencies cannot reassign SES employees before the career executive's most immediate supervisor who is a non-career appointee with the proper authority makes an initial appraisal of the career appointee's performance.⁴ The intent of this moratorium is to provide a 'get acquainted' period to allow the new agency head and non-career appointees to get to know the career senior executives and their skills and expertise. However, after 120 days, subject to notification and other requirements, new agency leaders and non-career appointees are free to reassign career appointees to any position for which they are qualified.

¹ *Interior's 'unusual' transfer of senior executives spurs official probe*, Washington Post (Sept. 12, 2017).

² Letter from Sen. Debbie Stabenow, Sen. Chris Van Hollen, Sen. Kirsten Gillibrand, Sen. Sherrod Brown, Sen. Robert Casey, Sen. Joe Donnelly, Sen. Michael Bennet, Sen. Heidi Heitkamp, Sen. Amy Klobuchar, and Sen. Patrick Leahy, to U.S. Department of Agriculture Principal Deputy General Counsel Stephen Vaden (Dec. 21, 2017).

³ 5 CFR § 317.901.

⁴ 5 CFR § 317.901.

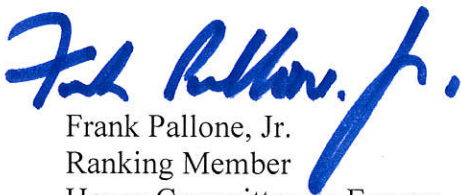
We are concerned about reports of agencies reassigning SES staff in a manner that is inconsistent with the purposes of the SES program, and which will impair the ability of agencies to implement programs in accordance with laws and Congressional intent. We, therefore, request that GAO complete an accounting of the movement of career SES staff at selected agencies paying particular attention to:

1. The number of career SES positions at each agency, including the number of potential positions, the number that were filled as of January 19, 2017, and the number that are currently filled.
2. The number of reassignments of career SES staff that have occurred since January 19, 2017, and specific information about each of the reassignments including:
 - a. Timing of reassignment;
 - b. SES staff's length of service in the original position;
 - c. A description of the original position of the person reassigned and of the newly assigned position for each person reassigned (e.g. job title, agency program or office assignment, and general description of duties);
 - d. Geographic location of the original assignment and the new assignment, and whether relocation is required to accept the new assignment;
 - e. Whether the reassignment was either voluntary or requested by the career SES staff or was an involuntary reassignment;
 - f. The response of the SES staff to the reassignment;
 - g. Whether SES staff who rejected the reassignment resigned from the SES program and accepted a non-SES position at the agency, resigned from the agency, or resigned from federal service, and, to the extent information is available from exit surveys and other available data, what the factors were affecting their decision;
 - h. The department's criteria in selecting individuals for reassignment or relocation; and
 - i. The department's criteria in selecting positions and/or locations to which the reassigned employees are to be moved.
3. The total estimated costs associated with redirections and relocations, including:

- a. Any costs borne by the department to pay for changes in duty station for employees; and
 - b. How the reassignment of employees who are only a year or less from their planned retirement date furthers goals of efficiency.
4. Whether the reassignments are having a disparate impact on SES employees, because they belong to a protected class.

Your review will assist us in our oversight of one of the most valuable assets of the federal government – its workforce. Please do not hesitate to contact us with any questions or concerns with this request.

Sincerely,



Frank Pallone, Jr.
Ranking Member
House Committee on Energy
and Commerce



Elijah E. Cummings
Ranking Member
House Committee on Oversight
and Government Reform



Raúl M. Grijalva
Ranking Member
House Committee
on Natural Resources



Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works



Maria Cantwell
Ranking Member
Senate Committee on Energy
and Natural Resources



Claire McCaskill
Ranking Member
Senate Committee on Homeland
Security and Governmental Affairs

A handwritten signature in blue ink that reads "Tom Udall". The signature is stylized with a large, sweeping "T" and a cursive "Udall".

Tom Udall
Vice Chairman
Senate Committee on Indian Affairs

A handwritten signature in blue ink that reads "Heidi Heitkamp". The signature is written in a cursive style with a large "H" and a long, flowing "Heitkamp".

Heidi Heitkamp
Ranking Member
Subcommittee on Regulatory Affairs
and Federal Management
Senate Committee on Homeland
Security and Governmental Affairs